UNDERSTANDING SUCCESSFUL MEDIATION:

A Theoretical and Empirical Analysis of the Factors and Conditions which Influence the Outcome of Mediation in International Conflict

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Simon D. L. Tucker

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Abstract

Why does mediation, as a form of international conflict management, succeed or fail? This question, central to the field of mediation research since its inception, is the *raison d'etre* of this thesis.

The assignments emanating from this question are thus: firstly, and most importantly, to discover those factors and conditions within the mediation relationship which are the central determinants of mediation success or failure; secondly, to reach an understanding of how to define and classify the concepts of success and failure; thirdly, to devise a framework which will give a sense of order to the milieu of actors, issues, perceptions and behaviour present in a conflict/ mediation case; and fourthly, to discover a research method which will allow the integration of a theoretical foundation with a rigorous empirical approach.

Initially, attention is given to understanding mediation, its necessity, and the different methods available for analysing it as a phenomenon of social science research. This done, the focus shifts to the "dependent variable" of the thesis, namely mediation outcome, and how (a) success and failure can be defined and classified, and (b) how an outcome can be understood as the end result of a framework of four variables which represent the mediation relationship.

Once constructed, this framework provides the grounding for the construction of fifteen hypotheses, drawn from the theoretical literature, which link certain factors and conditions in the framework to mediation success or failure. These hypotheses are then examined for validity, using a correlates of mediation data-set, constructed through the systematic empirical method from actual cases of international mediation. The analysis is initially bivariate, but then moves to a more complex multivariate approach.

It is found that there are many significant influences upon mediation outcome, but that the central determinant of whether mediation succeeds or fails is the interrelationship between three factors: the complexity of the dispute, the relationship between the disputants prior to the conflict, and the environment where the mediation takes place. These findings are reintegrated into the theoretical understanding of mediation, and the thesis concludes with some of the practical lessons for mediators provided by the analysis of the study.

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Chapter One:

Understanding Mediation and Mediation Research

Introduction

This thesis has the aim of discovering, amongst the multitude of influences which represent the mediation relationship, those factors and conditions which are central to determining whether mediation succeeds or fails. When we can recognise these, we can begin to not only explain why a particular mediation reaches the outcome it does, but also to predict with some accuracy whether mediation will succeed or fail. However, before these details can be elicited, there is the imperative to build a foundation of understanding, concerning mediation, its role in international conflict, and how it can be analysed as a field in social science research. Once this has been achieved, and the objects and methods of this study established, attention can be concentrated on mediation outcome, and the influences it is dependent upon.

International Conflict, and the Need for a Response

International conflict, defined as an organised and identifiable dispute between two distinct states, and involving the use of armed force, remains a fact of our existence as we move toward the close of the Twentieth Century. Contemporary records indicate

there have been over 650 international disputes between 1945 and 1986.[1] Since the latter date many more conflicts have occurred in the international system. While the incidence of conflict tends to be concentrated in the "trouble-spots" of the Middle East, Africa and South-East Asia, this is not exclusively so. International conflict is a global phenomenon existing in, and threatening, all the regions of the world.

If we accept that such conflict is a fact of our lives, albeit undesirably so, and is likely to remain so in the foreseeable future, interest turns to the response humankind should formulate. Beyond the unrealistic expectation of removing the cause of these disputes, the answer lies in discovering a way to minimise their negative effects.

Faced with a conflict situation, a party can choose one of three options: using violence in the hope of prevailing over their opponent; avoiding or ignoring the conflict in the hope it will disappear; or seeking to manage the dispute in a peaceful manner (Pruitt and Rubin 1986:25). As our concern is to minimise negative effects we can dismiss the first option; international conflicts are a costly and destructive force, not simply in terms of fatalities, but also in the disruption they cause to domestic and international affairs. Similarly, it is not realistic to expect an international dispute to go away through pretending it does not exist. This leaves the search for a peaceful means to manage disputes as the only viable response to the high global incidence of international conflict.

It is from this stimuli that the exploration of mediation as a means of non-violent conflict management gains impetus. Research on mediation is undertaken to further theoretical and practical understanding of the subject, with the belief that a deeper understanding of mediation will ultimately result in more effective ways of minimising the costs of international conflict.

Despite the importance of mediation as a means to manage disputes in a non-violent manner at all levels of conflict from interpersonal to international, in social science research mediation is still in its infancy. While a burgeoning body of literature is dedicated to the theory and practice of mediation, in many ways the field has stalled at the conceptual stage. We are still some way from being able to construct a theory of mediation. Even the formulation of simple "if-then" relationships cannot be made with any real certainty. It is symptomatic of this reality that much of the ongoing research on mediation is concerned not only with furthering knowledge of the mechanics of mediation, but also with setting the parameters of the field. How do we perceive mediation? Is it an abstract theoretical concept, an *ad-hoc* legal substitute, an extension of bilateral negotiation, or a panacea for international conflict? The obvious starting point to resolve this uncertainty is to construct a more rigorous definition of what is meant by the term mediation.

Defining Mediation

Initially it is useful to place mediation in its wider context and recognise it as a form of conflict management. All conflicts, despite manifest differences, have in common a capacity to be managed in three different ways. The first requires that one party is victorious over the other and imposes defeat, relying on violence and coercion to terminate the dispute. The second option concerns the parties themselves negotiating an agreement to manage their own conflict, while the final option involves the assistance of a third party. It is in this area of third party involvement that mediation is found.

Once within the domain of third-party involvement, there are further distinctions that are necessary. Mediation is concerned with dispute termination through peaceful means. The disputant parties are entering a forum where non-violent relationships will be used to manage their conflict.

Similarly, mediation should not be confused with the practices of arbitration or adjudication. Mediation is a non-binding relationship between the parties and mediator, where the third party is not present to enforce a settlement or to pass judgement as to who is right or wrong, winner or loser. By definition, a mediator cannot command the adversaries to accept anything, but will rather help them to manage their dispute through changing, influencing or modifying the conflict environment (Bercovitch 1986:156).

The basic modification that mediation makes to a conflict occurs simply through the mediator's presence. From being a dyadic relationship between two disputing entities, the relationship is transformed into a triad as the mediator becomes a third party in the conflict scenario. In this sense mediation should be understood as an extension of bilateral negotiation rather than an isolated process.

The above elements form the basic charter of mediation as a subject for research. Consequently, the definition follows that mediation is: ***the process by which a third party assists parties in a conflict to manage their dispute in a non-violent manner, with the goal of achieving a peaceful and non-binding outcome.*** This definition forms the foundation for our understanding of mediation, and is the touchstone for the research that comprises the rest of this study.

Approaches to Mediation Research

Research undertaken in the field of mediation is pursued along several different dimensions. From the foundation laid from theoretical discussion comes other research techniques for building an understanding of mediation. The aim of progressive mediation research is to get away from an unsatisfactory emphasis on historical description of individual mediation cases, and to move the field into the level of the conceptual. Zinnes writes that this concern is characterised by:

> ... a willingness to move from the unique to the general and consider classes of events and types of entities; and ... a commitment to search for patterns of association between these classes (1976:2).

The concern moves from providing accounts of unique historical events, to an interest in relationships between classes of events. The means by which this is achieved is through a cycle of theory development and hypothesis construction, testing of these notions, modifying for the results, and recycling the information to build knowledge.

Much of the literature on mediation gives the impression that its theoretical base has emerged independently of any forbears. For example, Burton favours the idea that mediation should be classified as a completely separate phenomenon to negotiation. He argues that negotiation only exists when there is no third party presence whatsoever (1972b:152). However, the argument of this study as stated here, and assumed throughout, is that mediation is essentially an extension of bilateral negotiation. While the mediator is not a disputant party in the conflict, part of the intermediary's arsenal of skills is the ability to bargain with the different parties, and to use negotiation skills to promote settlement.

This concept of mediator behaviour was considered by Schelling (1960) in his influential study of conflict and negotiation. He argued that a mediator involved in the negotiation between two parties may be involved as a party in the bargaining and hence may have an incentive structure which differs from the other parties (1960:29). Gulliver takes this idea a step further and

argues that any conflict management involving a mediator is not some abstract or separate phenomena, but is simply triadic negotiation. He writes:

> ... clearly the mediator exercises influence in some degree, whether he remains largely passive or virtually controls the exchange of information and the learning process. He himself interacts with each party and with both together, and they may communicate to and through him. He becomes a party in the negotiations. He becomes a negotiator and as such, he inevitably brings with him, deliberately or not, certain ideas, knowledge, and assumptions, as well as certain interests and concerns of his own and those of other people whom he represents (1979:213).

Mediation researchers should not lose sight of the fact that much of their terminology, research agenda, and theoretical heritage descends from the literature of negotiation.[2]

From the ground-breaking work of Young (1967, 1972), there has been a continuing body of research which has explored the theoretical parameters of mediation. Some of the studies which have explored the general theory of mediation, (rather than just specific aspects) include the work of Bercovitch (1984); Kressel and Pruitt (1985); Moore (1986); and Wall (1981). An interesting aspect of the mediation movement has been the way in which theory has constantly lagged behind practice, as mediators continue to manage conflicts, especially in the areas of international relations and labour-management relations (Pruitt and Kressel 1989:2). This has led to a body of theoretical literature with a prescriptive slant, aimed at the practitioner, rather than the theorist. Examples of this include Kessler (1978), and Underhill (1981).

It is from the foundation of theoretical studies such as the above examples that mediation research is built. Ott writes that while theoretical discussions of the practice of mediation provide "an indispensable first step" to building a theory of mediation:

> ... its utility is limited by the general absence of empirical studies and a systematic discussion of the obstacles to successful mediation. These are required if we are to begin to construct if...then propositions concerning the necessary and sufficient conditions for effective mediation (1972:596).

There are four major paths through which this required empirical research is undertaken: case-study/ historical, observational/ interview, experimental, and systematic empirical.

Historical Approaches

The initial step from purely theoretical studies in mediation is to use the descriptive facts of a particular mediation case-study to illustrate the elements of a theoretical model. One example of this is the study by Ott (1972) of the "quasi-war" between Malaysia and Indonesia, and the Sabah dispute between Malaysia and the Philippines. Another good example is provided by Touval and Zartman (1985b), who dedicate the contents of an edited volume to a collection of mediation case-studies. These include examinations of the Algerian mediation of the Iranian Hostage Crisis (Sick 1985), The Algiers Accord between Iran and Iraq (Lieb 1985), and the Soviet mediation of the Indo-Pakistani Conflict (Thornton 1985). The use of the case-study for mediation research can also be found in the work of Harbottle (1980);

Touval (1982); Touval and Zartman (1985a, 1989); and Stein (1985).

Because a case-study seeks to combine theory and practice it can be considered a useful "step up" from purely theoretical or descriptive research. Theoretical precepts are given relevance with real world illustration, to which the theory gives structure and aids understanding.

However, the difficulty with case-studies lies in the balance between the theory and the case. If too much emphasis is placed on the theory it is easy to get the impression that the case is being used in a selective manner, and only when it suits the theoretical framework. Conversely, if the study concentrates on the details of the individual case at the expense of the theoretical framework, the line between description and analysis becomes increasingly blurred. At best a case-study is a tool to illustrate, but certainly it cannot prove or even strongly reinforce theoretical notions. Because the case-study uses only one (or sometimes two if the method is comparative) empirical example, it is still founded in the mentality that places the uniqueness of events above the broader trends and generalisations necessary for meaningful theory construction.

The Interview or Observational Approach

A second technique used to research mediation entails the use of interviews and questionnaires, through which information about the trends of actual mediation cases is obtained. Typically this

sort of research has had an emphasis on interviewing practising mediators, and as such has been centred on their behaviour. For example Sheppard, Blumenfeld and Jones (1989) questioned how a potential mediator decides which conflict scenarios can be mediated as opposed to arbitrated or given autocratic ruling, while other studies have examined which strategies and tactics are used by the mediator, how they are chosen, and how successful they are (Carnevale and Pegnetter 1985; Wall and Rude 1989).

The advantage which is argued to exist with this type of research is that by concentrating on the practitioners of mediation and their actual experiences, we can obtain significant quantities of detailed information from a genuine data base. Consequently, we can begin to talk about empirical trends, rather than simply individual cases.

The difficulty with such information is that it relies on the perception of the individuals who are interviewed for its empirical base. It is unlikely that across a wide sample of interviewees, the perception of what constitutes different factors or concepts in the mediation scenario will remain constant. This problem is heightened by the way that the majority of studies which use the observational approach concentrate on the mediators, rather than including the disputant parties in their sample. Obviously this situation biases the information in that it comes from only one third of the actors who are part of the mediation triad. To rectify this and obtain an accurate sample, it would be necessary to interview all disputant parties,

which would add further cost and time to an already expensive research technique. In any case problems of accuracy, honesty, and perception remain, especially given that all answers supplied will be calculated with the benefit of hindsight.

The Experimental Approach

The third sub-field in mediation research is exploration using laboratory experimentation. Through controlled experiments using likely scenarios, researchers can discover the manner in which disputants and third parties will behave in given circumstances. For example La Tour, Houlden, Walker and Thibault (1976) used the parties in dispute as their experimental base to discover the determinants of preference for modes of conflict resolution. Other experiments such as carried out by Bartunek, Benton and Keys (1975); and Rubin (1980), have made the mediator the subject, and studied the effect of mediator role behaviour in mediation situations.

An experimental method of research has the advantage of being able to use a large sample from which to gain empirical trends, without the high cost involved of interviewing or researching participants of genuine mediation cases. It also allows complete control of focus for the researcher, who can concentrate on specific aspects of the mediation process.

However, the capacity to manipulate the inputs to gain a specific output is also where this research method becomes unstuck. The entire approach is founded on artificiality; by using simulation

and created scenarios, the applicability of conclusions to real-world mediation practice is undermined. For example, in the studies by Bartunek, Benton and Keys (1975), and La Tour, Houlden, Walker and Thibaut (1976), the sample used for the experiments were male undergraduate students; a group hardly representative of parties in an international, labour/management or divorce conflict. These individuals were given assigned roles, and also given a limited range of answers or outputs. Indeed, even the fact that the sample knows it is involved in an experiment will influence their performance of the assigned roles. Ultimately, while the information produced by such motivational studies is interesting, we should be wary of accepting the conclusions as representing anything other than the results of a controlled experiment.

The Systematic Empirical Approach

A fourth avenue of mediation research is to use a systematic empirical approach (or systematic history as it is sometimes referred to), based on the aggregation of archival sources to provide a data base from which hypotheses can be tested. As it is this method which will be employed in this study, it requires a more detailed examination.

The foundation of the systematic empirical approach is in the building of a comparative list of mediation cases. Each mediation case is systematically coded, with behavioural and contextual details of the actors, conflict, and mediation recorded. This inventory of mediation practice is subsequently employed as a

correlation tool to test the validity of hypotheses pertaining to the practice of mediation, in order to validate or nullify principles suggested in the literature. Perhaps its closest relative in mediation research is the case-study; the difference being that the emphasis is on gaining empirical significance through studying numerous cases.

In the realm of high-incidence correlative studies in the broader context of international conflict, perhaps the most famous example of the systematic-history approach is the on-going Correlates of War (COW) project inspired and led by J. David Singer. This project, which seeks to code all international conflict in the modern era (post-1816), began through Singer's realisation that traditional research methods in the field were inadequate as they "... did not measure up to the requirements of scientific research" (Singer, cited in Houweling and Sciccama 1988:57). Since its inception, this project has formed the basis of literally hundreds of studies and published works.

Turning to the specific study of conflict management, the systematic coding of history was initially pursued in a general sense to discover empirical trends in international conflicts. For example Northedge and Donelan (1971) built a taxonomy of 50 international conflicts since the Second World War. With this data they explored such variables as origins and nature of disputes and how they developed and were resolved, including the incidence of various forms of conflict management. Similarly Holsti (1966), using a data base of 77 international wars from

the end of the First World War until 1965, studied the incidence of various procedures used for settlement, and the behaviour and outcome these procedures precipitated. (Holsti updated this study in 1983, using a data set comprised of 94 conflicts). Levine (1971) provides a third example of a systematic approach to history which studies the general incidence of conflict, and the manner in which it was managed.

For our interest here, the conclusion that these studies produce is important; namely that mediation is a widely used, and hence very significant means of resolving international conflict peacefully. However, all these studies have only viewed mediation with regard to incidence in comparison with other methods, and outcomes, of conflict management. The systematic empirical method can also be employed to discover relationships between variables within the domain of mediation itself.

The work of Butterworth (1976) represents data which is applicable both to the relative frequency of mediation, and to a limited degree, the frequency of some intra-mediation variables. For example, Bercovitch uses Butterworth's data to explore the frequency of third parties' various intervention techniques in international conflicts between 1945 and 1974 (Bercovitch 1986:158).

The examination by Frei (1976), of the factors in a mediation scenario which contribute to the success or failure of international mediation represents the first example of this

method being employed exclusively for research on intra-mediation variables. Frei's work suffers from a small number of cases (n=65) which detracts from the significance of his findings, and a tenuous definition of success, which defines a mediation as a success simply if the parties accept the offer of a mediator and mediation within five days of it being made (1976:69). Nevertheless, by placing the success or failure of mediation as the dependent variable, and testing how various factors impact on the nature of the outcome, Frei demonstrates the potential of this method for examining how a mediation outcome is produced.

Following Frei, Hiltrop (1985), and Jones (1988), have demonstrated the diversity of the systematic empirical approach by respectively studying mediation in labour-management, and divorce disputes. Returning to the field of international conflict, the studies by Bercovitch (1986, 1989) and Bercovitch, Anagnoson and Wille (1991), show the continued employment of systematic history as a tool for meaningful mediation research.

The systematic empirical approach represents only one of the approaches in contemporary mediation research, yet it has unique attractions as a means of building substantive knowledge. Through its harnessing of a significant empirical base, its findings enjoy a more general application than those of case studies. Likewise it possesses an advantage over the experimental approach in its foundation in actual, rather than contrived, mediation cases. While the use of interview-based studies does represent a method of research which escapes the simplification necessary

in the systematic empirical approach, the time, resources and access involved in building a significant universe using this method would be prohibitive.

It would be fallacious to assume that there are no criticisms of the systematic empirical approach as a method of research. Essentially, the quality of the conclusions will depend upon the quality of the data used to obtain them. Criticisms typically levelled at this approach argue that the data categories are too simplified, that the coding relies on the perception of the researcher and the source from which information is drawn, and that complex questions are often operationalised in a manner which is too rudimentary to reflect the true intricacy of the problem.

While these criticisms do have validity in some examples of systematic empirical research, it would be wrong to tar all studies with the same brush. The data employed for this study (described more explicitly below), attempts to present a balance between not over-simplifying categories, while at the same time limiting the proliferation of options in order to locate distinct trends and classes of factors and conditions. In this way it minimises the chances for over-simplification, or distortions in operationalisation. Similarly, most of the information is based upon nominal data, which tends to preclude many of the problems associated with perceptual bias in the coding of information.

It is obvious that no research method is perfect, and that no one technique will ever undermine the necessity for a dedicated and rigorous approach. Nevertheless, for the reasons stated above, it is argued here that the systematic empirical approach does present a superior technique for mediation research, and one which will serve well in the search for the factors and conditions which determine whether mediation fails or succeeds.

The Object and Method of This Study

The wider focus of this study is the theory and practice of mediation as a tool for the non-violent management of international conflicts. Of all the questions that confront the mediation researcher, none are as important, or as often asked, as why mediation succeeds or fails as a method of conflict management. Referring to negotiation, with a statement equally applicable to mediation, Underdal argues:

> The ultimate aim of negotiation analysis is to predict or explain the outcome. Thus, outcome is generally considered the ultimate "dependent variable" in negotiation theory (1989:1).

Put most broadly, the purpose of this paper is to understand the outcomes of international mediation. More specifically, the aim is to uncover, from within the multitude of variables and influences which represent the mediation relationship, those factors and conditions which are most influential in determining what the outcome of a mediation will be. Through simple observation we know that a mediation can either fail, or it can achieve some level of success, be it partial or complete. Through

combining the resources of a theoretical framework and an empirical method (supplied by the systematic empirical approach), we can move from simply describing events towards realising Underdal's ultimate aim: to understand, and to explain, why and how international mediation succeeds or fails.

This current study will concentrate exclusively on the place of mediation in international relations, and will examine 396 mediation cases which have occurred since the conclusion of the Second World War in 1945. The data used for the empirical component of this study is the result of an ongoing correlates of mediation project, which seeks to systematically record the contextual and mediation details of the universe of mediation cases which have occurred since 1945. Earlier versions of this data-set have been used as the basis for several published studies, for example Bercovitch (1986,1989), and Bercovitch, Anagnoson and Wille (1991). However, since the publication of these studies, the original data has been refined and expanded by this author, with new variables added and a more comprehensive and rigorous approach to the definition and measurement of the variables adopted, as well as a considerable increase in the number of recorded conflicts and mediation cases. This data-set is unique in the field of international conflict management; through its systematic and rigorous examination of every international conflict that has occurred since the Second World War, it represents an innovative response to the weaknesses presented by approaches to studying mediation which are normative or descriptive in nature.

The contextual and mediation details of each conflict and mediation case which make up the data are compiled from a range of archival sources, primarily *Keesing's Contemporary Archives*, and *The Index to The New York Times*. From these sources each mediation case in the data-set is coded into 35 variables; recording details of dispute nature, party characteristics, mediator identity, and mediation characteristics (see Appendix One); as well as the outcome of the mediation episode(s) that occurred. This format allows for a mediation outcome to be understood in the light of the various conditions and influences which created it, and for this relationship to be empirically examined.

A correlative study between different variables and mediation outcome is consistent with previous examples of the systematic empirical method being used in mediation research (for example Frei 1976; Bercovitch 1986, 1989), and will consequently allow for comparisons to be made. The initial tests will be exclusively bivariate, meaning that different factors will be tested for their individual significance to the nature of the mediation outcome.[3]

Beyond bivariate analysis, in recognition of the fact that the mediation relationship is a complex interplay between different factors, this study will also examine interactional relationships between the different variables and factors, and the significance of these relationships on mediation outcome. Rather than simply concentrating on how one particular factor or variable influences

the nature of the outcome, the way this factor or variable influences other factors will be assessed, in order to determine the manner in which this interaction contributes to the overall outcome.

This multivariate analysis will be undertaken in Chapter Six, and will follow on from the bivariate tests carried out in Chapter Five. Prior to this, Chapters Three and Four will construct the theoretical framework, and the different hypotheses which the empirical analysis will test. This leaves the content of Chapter Two, in which two methodological issues crucial to the success of this study are addressed: (a) how to define and evaluate mediation outcomes, and (b) the development of a framework to represent the different factors which delineate the mediation relationship, and hence influence the nature of the outcome.

Conclusion

> The purpose of research on mediation is to improve mediation ... to increase the probability of success when using this method in conflict resolution (Frei 1976:82).

There is more at stake here than going through the motions of academic research. As Frei's quote reminds us, the purpose of mediation research is to improve our understanding of mediation, and hence its effectiveness as a tool for the peacemaker. As a result, this thesis has the perspective of both review and prescription. Mediation has been studied as a sub-field in social

science for many years now, and it is relevant to take stock of what has been achieved by the research to date.

Where prescription is concerned we must remember that mediation is a highly complex social relationship which requires the third party to have an impressive array of skills. In any performance, ability can always be heightened, the art of mediation can be learned, developed and improved (Bercovitch 1986:165). This is where we get the imperative for a prescriptive slant; mediation is still in many ways a fledgling field of research, with ongoing development and integration required. Despite this, mediation continues to be practised as a means of conflict management in disputes all over the world. Developing a deeper knowledge of mediation is more than an interesting academic exercise, it should be recognised as having direct relevance to a conflict-ridden international system.

The ultimate aim for the mediation researcher in international conflict is the construction of a theory of mediation, which will explain how mediation produces a certain outcome. The word theory does not mean we can construct a series of laws as pursued by researchers in the physical sciences. To echo Northedge and Donelan:

> ... we remain unconvinced that human behaviour, individual or collective, lends itself to precisely the same kind of intellectual treatment as, say, the inanimate world (1971:9).

The complexity of human behaviour, and the multitude of influences it is subject to, make it impossible to predict with complete assurance. Nevertheless, it is necessary to undertake

mediation research in a scientific spirit, recognising the need to move from the unique to the general, and to be rigorous in method, so as to draw as theoretically conclusive a picture as possible. Ultimately this will allow the construction of more viable "if-then" predictions, giving enhanced descriptive power as to the progress, and likely outcome of different mediation instances. This is still some distance off, yet this thesis is presented as a building block in the construction of this highly desirable goal.

Endnotes

1. This figure of approximately 650 conflicts was obtained from an updated version of the Correlates of War project, led by J. David Small. For up-to-date information on this project, and its results, see Cioffi-Revilla (1990); Small (1990).

2. For examples of mediation theorists who do recognise the close relationship between negotiation and mediation, see Merrills (1991), Touval (1982), Touval and Zartman (1985a), and Bercovitch (1986).

3. The typology for this thesis will be to adopt a nomenclature of variables and factors. Chapter Two develops an understanding of the mediation relationship into four different variables. Within each of these four variables are a number of factors which describe individual aspects of the particular variable. These are developed in Chapters Three and Four.

Chapter Two:

Toward a Framework for Analysing and Evaluating Mediation Outcome

Introduction

International mediation, consistent with the conflict which necessitates its practice, is a complex milieu of actors, perceptions, issues and behaviour which to the casual observer will have little discernable pattern or order. However for the mediation researcher it is imperative to be able to understand and analyse the mediation relationship, identifying the factors which determine the nature of the outcome. Further to this, there is a need to classify each outcome in a systematic fashion, in order to evaluate those which can be described as being successes, failures, or some point in between. What is needed is a framework which will allow both the process and the outcome of mediation to be understood, evaluated and classified.

This chapter will examine these two problems: (a) of classifying outcomes, and (b) of devising a framework which will allow us to understand how an outcome is produced out of the variety of influences which constitute the mediation relationship. The first section of this chapter will critically examine in detail different approaches to classifying outcome, and will devise the schema which will be used for the remainder of this study. The

second section will stem from this discussion, and will install a framework to simplify the complexity of the mediation relationship into a series of variables whose combined influence creates the mediation outcome.

Classifying Mediation Outcomes

The task of classifying mediation outcomes is complicated by the fact that there is more than one perspective from which evaluations can be made. In any mediation case there will be two or more disputants, and at least one mediator. Each of these actors will have their own opinion of the events that transpire, and of what the exact nature of the outcome is. Because of this, we can say that research which uses the information supplied by these individuals to evaluate outcome is adopting a subjective perspective of the mediation process.

In addition to subjective evaluations of mediation are objective perspectives which evaluate process and outcome in a systematic manner, analysing mediation according to behavioral criteria. This perspective examines participants' actions and statements in order to evaluate and classify mediation, rather than perceptions and opinions. Subjective and objective perspectives of mediation differ both in their definition of what a successful mediation is, and the framework they use to evaluate the mediation process and outcome.

Subjective Evaluations of Mediation Outcome

Defining Success and Failure

Despite any number of different opinions, subjective evaluations of mediation share a common definition of what constitutes a successful outcome. Complete success occurs when the mediation brings about the *resolution* of the conflict. Resolution is an absolute concept, whereby all aspects of the conflict, perceptual and behavioural, cease to produce contention. For this to be achieved the disputant parties must undergo a reconstruction of their perceptions of the conflict and each other, and be reconciled in a solution which recognises and satisfies their values and interests (Bercovitch 1984:34; Touval and Zartman 1989:135).

From this basis we can devise various levels of success. For example, partial success includes (in decreasing order of achievement), partial resolution of the issues, agreement to disagree peacefully, recognition of the central problem, plans to continue non-violent conflict management, an end to violent behaviour, and so on. The end to this continuum is the complete failure of mediation, which is defined as the continuation or escalation of the conflict on both perceptual and behavioural levels.

However, simply defining success and failure from a subjective perspective does not explain how different actors will reach an evaluation of a particular mediation outcome. The process by

which this is achieved is the subject of the following discussion.

Evaluating Success and Failure

Subjective evaluations of mediation outcome are made by actors assessing the details of the case according to a set of criteria, and on the basis of these, formulating their opinions. Several theorists have suggested the form that this criteria will take, and generally there is agreement between them as to its nature. Integrating the work of Sheppard (1984), Susskind and Cruikshank (1987), and Underdal (1989), suggests that outcomes are classified through individuals evaluating: (a) the fairness or justice of a mediation outcome[1], (b) its efficiency, (c) its effectiveness and stability (which can be classified as an outcomes feasibility), and, (d) their overall satisfaction with the outcome.

However, there is a further dimension to this framework. The traditional emphasis on calculations of success and failure in conflict management centred on the final distribution of resources[2] between the protagonists as the material for evaluation. Going beyond this, there is a growing body of social-psychological literature which suggests that parties in a conflict will define the success or failure of a conflict management attempt by evaluating both the distribution of resources provided by the outcome, and the process that was used to achieve that outcome (Fogler 1977:108). How do individuals evaluate the procedural aspects of a process such as mediation?

Sheppard explains that the same criteria that are used to evaluate outcome will also be used to judge the process (1984:166). The initial emphasis amongst theorists has been on calculations of procedural, as distinct from distributive, justice (for example see Thibault and Walker 1975). However, Sheppard writes that concentrating on only one criterion means that understanding will be limited to "just a portion of the conflict picture" (1984:166). Thus we can determine that subjective accounts of mediation will be reached through evaluating the justice, efficiency, feasibility, and satisfaction provided by both the procedural and distributive aspects of the mediation outcome. Obviously the emphasis will be somewhat different when calculating the procedural as distinct from the distributive aspects of each criteria. By examining each of the criterion in turn, we can determine how this variation will be manifested.

Fairness

Disputant parties will judge the fairness of a mediation outcome according to the degree to which it meets their expectations of what they are entitled to receive through the distribution of resources available. This raises the question of how do parties formulate their expectations? Deutsch writes that conceptions of entitlement are developed through five kinds of influence:

> (1) the ideologies and myths about justice that are dominant and officially supported in his society, (2) his amount of exposure to ideologies and myths that conflict with those that are officially supported and are supportive of larger claims for him, (3) experienced changes in his satisfactions-dissatisfactions, (4) his knowledge of what others who are viewed as comparable to him are getting, and (5)

his bargaining power (1985:52).

From these influences the disputant parties will reach their calculation as to the degree of fairness of an outcome, and will make a decision as to the success of the mediation in terms of this criterion.

The mediator will make a slightly different evaluation from this. Because the mediator does not normally receive a share of the resources at stake from a mediation outcome, he or she will be less concerned than the actors in conflict about his or her own position relative to the other parties. Concerning justice, the mediator's opinion is not typically centred on protecting personal interests, but rather on viewing the outcome according to certain objective principles. Deutsch suggests that there are three such principles that a mediator's evaluation of an outcome may include; namely equality, equity, and need (Deutsch 1985:5). In reality, the evaluation the mediator makes will combine elements of all three of these values. However it is interesting to note Deutsch's suggestion that:

> In cooperative relations in which the fostering or maintenance of enjoyable social relations is a primary emphasis, equality will be the dominant principle of distributive justice (1985:41).

Because, broadly speaking, mediation is concerned with the fostering of "enjoyable social relations" between parties in conflict, this point is worth considering further. Equality does not mean that all parties will be treated identically without regard for circumstance. This can be identified as pseudo-egalitarianism (Deutsch 1985:42). Rather, where mediation is concerned, it would entail that both the procedure used, and the

distribution of resources, reflect certain intrinsic values which are impossible to divide according to the principles of equity and need. For example, a successful outcome would ensure that all parties are recognised and respected in the mediation procedure, and that the distribution of resources reflect the input and agreement of all the parties involved. In conclusion, we can say that from the perspective of the mediator, a fair or just outcome would especially reflect the principle of equality between all the parties involved.

Beyond the outline described above, it is difficult to draw concrete observations as to how the actors involved in mediation will evaluate fairness (Lissak and Sheppard 1983:46). Susskind and Cruikshank write that:

> ...there is no single indicator of substantive fairness that all parties to a public dispute are likely to accept. In our fieldwork, therefore, we avoid ironclad determinations of "fairness" (1987:24).

With regard to the fairness of the procedure, Thibault and Walker suggest one dominant principle about how procedural justice will be evaluated subjectively. They argue that for justice to be served, the parties themselves should have maximum control over the procedures used to determine the outcome (1975:2). While mediation, by definition, is a cooperative procedure which entails substantive input by the parties, variations will still occur as to the degree of flexibility in a mediation procedure. Susskind and Cruikshank argue that:

> A dispute resolution process most open to continuous modification by the disputants is, we would argue, the approach most likely to be conceived as fair (1987:21).

Placing process control in the hands of the parties and ensuring flexibility, will also engender the individual rights of the parties, and alleviate each party's fear of being coerced into an outcome by a non-neutral third party; two concerns identified by Sheppard as being important in a party's calculation of procedural fairness (1984:169).

Efficiency

The efficiency of a mediation outcome and process is concerned with the length of time taken to achieve an agreement, and the cost to all those involved (Susskind and Cruikshank 1987:26). Because conflict is concerned with the parties' resources, it is in their interests that the outcome of a mediation reflects the most efficient use of these. Often the mediator will be supplying the mediation environment and the various resources needed such as transportation, a forum, communication, and accommodation of the parties' needs. The actors in conflict will be giving time, effort and resources to the mediation and their concern is to maximise the benefit to them from this input.

Evaluating efficiency is especially related to procedural concerns for the actors involved in mediation. For the parties there is likely to be a cost/ benefit analysis taken of the ongoing mediation. If they calculate that there is no integrative potential in the conflict, or that they are going to be left in a worse position than their original situation prior to the mediation, it is unlikely the episode will continue (Underdal 1989:3). Integrative potential is represented by Susskind and

Cruikshank as the incidence of possible "elegant trades," which are defined as opportunities for exchanges "that would have benefited everyone without penalizing anyone" (1987:26). Supporting the idea of cost/benefit analysis by the actors, Sheppard writes that the parties will be concerned with the questions of personal cost, timeliness and speed of the process, and how disruptive it is to other events of importance to them, both within and without the conflict scenario (1984:169).

Feasibility

The third criteria used to evaluate mediation outcomes is a combination of two criterion suggested by separate theorists. Sheppard uses the term "effectiveness," which he describes as being related to the level and permanence of the solution reached, and the impact on the wider environment (1984:169). Using effectiveness as a criterion is consistent with Susskind and Cruikshank's (1987), and Underdal's (1989) usage of a stability measurement. Stability refers to whether or not the solution to the conflict is a realistic one, and whether or not it will last. With both these terms the concern is the interface between level of settlement and its durability. A successful outcome is one which achieves the most effective solution and lasts for the longest amount of time. This can be identified with the search for a *feasible* outcome. While generally it would be expected that effectiveness and stability would reinforce each other, Susskind and Cruikshank warn that this may not always be the case. They write:

> At times, disputants are lured into making unrealistic promises by the unexpected spirit of harmony that

> develops as an agreement appears within reach (1987:31-2).

The parties' perception of the success or failure of the procedure in terms of feasibility refers to their judgement as to how implementable the mediation procedure is, and to what degree it uncovers the fundamental underlying issues in the conflict (Sheppard 1984:169). In order for the parties to be able to make this evaluation effectively, Susskind and Cruikshank suggest the attribute of "prospective hindsight" is needed, which is the ability to use relevant experience to predict the feasibility of an agreement over time (1987:28).

With specific regard for stability, it is important for the parties that the mediation provides an environment in which to promote balanced relations, with realistic timetables so that neither party feels sufficiently alienated to unilaterally withdraw from the negotiating table (Susskind and Cruikshank 1987:31; Underdal 1989:3). A final aspect of the feasibility of the process, is that a truly feasible mediation will provide the opportunity for re-negotiation. Parties should be able to readily reenter a mediation, knowing that the process is available to overcome any setbacks in the original agreement (Susskind and Cruikshank 1987:33).

Participant Satisfaction

Participant satisfaction represents something of a concluding value in subjective evaluations of process and outcome. Parties and mediators will be satisfied with a solution which they

perceive to be just, efficient and feasible, and will consequently be committed to following its principles (Sheppard 1984:169). A process and outcome which satisfies the participants will be defined by them as being successful. Adopting this notion fulfils the idea of a continuum from success to failure, with different degrees of partial success defined by partial satisfaction with all criteria, or perhaps full satisfaction with some, and dissatisfaction with others.

A Critique of Subjective Evaluations of Outcome

For the mediation theorist, subjective evaluations of outcome have a number of serious flaws. The most obvious of these is the different opinions that may exist within subjective evaluations of outcome. To this point the discussion has assumed some homogeneity among the actors involved in mediation. In reality, it is unlikely that this would reflect the true situation. In terms of the participating actors, one conflict party might perceive the conflict had been resolved and the mediation successful. However, the perception of the other party might be entirely different. Then there is the perspective of the mediator who might see the mediation as a success or failure contrary to the opinion of one or both of the parties.

This situation represents a serious problem to the mediation researcher. Whose opinion is to be trusted, or treated as more

valid? Indeed it is even conceivable that the researcher may disagree with the opinion of the parties and mediator as to what the nature of the outcome is. While Susskind and Cruikshank argue that:

> ...it is more important that an agreement be perceived as fair by the parties involved than by an independent analyst who applies an abstract decision rule... (1987:25)

The mediation researcher with the aid of a wider perspective or hindsight may find him or herself in disagreement.

The second problem with subjective evaluations of mediation is the nature of the relationship between procedural and distributive aspects of the outcome. Obviously the two concepts are related to each other. For example, a fair and efficient process is likely to lead to a fair and efficient outcome (Lind, Kurtz, Musante, Thibault and Walker 1980:652; Susskind and Cruikshank 1987:26). However, this relationship is not guaranteed. Fogler writes that:

> ... judgements of procedure and distribution are independent to the extent that it can be demonstrated people will say an unjust procedure has generated a just outcome and vice versa (1977:109).

Therefore, both aspects of outcome must be considered, as both will operate individually, and in relationship to each other, to determine the parties perception of the success or failure of the mediation. This leaves a grey area as to which will have the greater significance in a particular mediation episode.

The third problem of using subjective evaluations of outcome in mediation research arises when this approach is operationalised into large-scale or numerically significant projects. The

resources required to interview representatives of the parties, and the mediators, from several hundred mediation cases is obviously beyond the scope of most research projects. This is assuming the researcher can gain access to the individuals who can, and want to, supply the information. Similarly, even if this information can be gained, there are questions as to how valid it will be. Such approaches rely on a superlative knowledge of the conflict and the mediation by whoever is classifying the outcome. It implies that the parties have full understanding of their own perceptions, and will not change their attitudes and opinions without being externally prompted.

A further problem we are confronted with when examining subjective perspectives, is the question of time frame. When should the measurement of opinion be taken? The benefit of a few days, months or even years of hindsight might render irrelevant, classifications made by either parties or observers in the heat of the moment. To overcome this problem a time frame should be established, with all classifications made at similar intervals after the mediation has concluded. But this does not rectify the fact that perceptions change, as does the opinion of history. The choice is between updating endlessly in the interests of accuracy, or entrenching a classification once and for all, and risking obsolescence.

The final problem is one which questions the usefulness of equating a resolved conflict with successful mediation. The question is, how likely is it that an international conflict can

be fully resolved through single, or even multiple mediation cases? Is adopting the "resolution as success" definition putting successful mediation purely into the realms of the theoretical? This problem is illustrated by the rise and then decline from favour of the so-called "Problem-solving" approach to conflict management. This approach sought to resolve, rather than merely halt, conflicts by understanding and expressing the underlying perceptions, concerns, and fears of the actors in conflict. While it enjoyed some popularity (for example see Burton [1972], Doob and Foltz [1973], Kelman and Cohen [1976], and Doob [1976]), its current status is perhaps best embodied in Doob's (1987) article, titled "Adieu to Problem Solving."

This series of problems, both specific and general, with subjective evaluations of mediation outcomes forces us to make a choice, namely to either accept subjective evaluations in spite of their inherent difficulties, or discover a new basis from which to systematically classify mediation success and failure. The conclusion of this study is that while containing desirable elements, subjective perspectives are unworkable for this study, given its foundation in a systematic, empirical approach. Because of this, we must turn our attention to discovering a means by which to evaluate mediation objectively.

Toward an Objective Evaluation of Outcome

Defining Success and Failure

How can we define a mediation process and outcome in a more objective manner, and in a way that does not fall victim to the influences of perception, opinion, or unobtainable detail? The answer lies in discovering an objective measure to evaluate outcome.

Such an approach will measure the success or failure of an outcome by focusing on the behavioural impact of the mediation. It turns away from questions of perception and resolution, and classifies outcomes from the concrete events of each case. Rather than resolution, a fully successful mediation from an objective perspective occurs when following the mediation, the dispute reaches *settlement*.

Distinguishing between resolution and settlement as definitions of success is consistent with the approach of several theorists. (For example see Touval and Zartman [1989:135], Underdal [1989:1-2], Young [1969:35]). Bercovitch states:

> A conflict is settled when one party decides to accept a loss, a compromise or a binding decision. A conflict is resolved when it reflects both parties values and interests and satisfies them both (1984:34).

Through examining the behaviour of the parties at the termination of the mediation, it can be determined whether the episode was a success or a failure. A successful mediation occurs when all the disputants accept a settlement agreement. Failure occurs when

the end of the mediation sees the resumption or escalation of hostilities.

These two points represent the two ends of a success/ failure continuum from an objective perspective. From this basis it is possible to fill the void between them with some notions of what constitutes a less than fully successful outcome. Often a mediation may make substantial progress, but still falls short of reaching full settlement. The parties may agree on the settlement of some of the different issues being contested, or they may agree to meet at a specified later time to negotiate further details of a peace agreement. When this behaviour is exhibited, we can say that the mediation has been partially successful.

Continuing further down the continuum towards failure, a second point representing a temporary halt in the hostilities is included. If a mediation achieves the agreement of a ceasefire, the parties withdraw from overt conflict for either a specified or unspecified period. Often the mediator will use this interval to try to move toward further talks, and to lay the foundation for a settlement at a later time. While ceasefire cannot be considered as successful as partial settlement, it nevertheless is a considerable improvement on complete failure, and represents a useful intermediate step on the success/failure continuum.

In comparison to subjective evaluations, measuring success from an objective perspective is a relatively straight-forward task.

Because definitions of success and failure rely simply on the perception by observers of parties' actions, classifying the outcome of a mediation as full success, partial success, limited success, or failure is readily achieved. This overcomes the problems of contradictory perspectives, changing perceptions over time, and the need for superlative knowledge, and places the definition of full success within the realms of achievable outcomes. Significantly, it is also a perspective which will allow large-scale, systematic empirical research of the type employed in this study.

While an objectively based classification of outcome allows us to avoid concerns of actor's perceptions and transcends the value-laden concepts of justice, fairness, feasibility and satisfaction, the need still remains to devise a framework to evaluate the process by which this outcome is achieved. With a subjective evaluation the road to an outcome is measured in terms of the actors' perceptions and understanding; now our concern is with behaviour, and a framework is needed which can structure the interaction of the parties and the mediator in the conflict/ mediation relationship. The answer to this problem is to evaluate the mediation process as a set of variables whose combined influence determines the nature of the outcome.

A Framework for Understanding the Determinants of Mediation Outcome

Touval (1982) identifies two variables which determine mediation outcome: the circumstances of the mediator's intervention (including issues, environment and timing), and the mediator's attributes and qualities (1982:7-19). This typology is useful, as it provides an introduction to the important variables, namely the circumstances of the conflict, and the identity and nature of the third party intervention. Its flaw is that it is one-dimensional in its time frame, placing the moment of "the mediator's intervention" as the initiation of the model. What is apparent is that there are aspects of the conflict, and the disputant parties, which are determined prior to the mediation being initiated, and which will have a significant influence on the eventual outcome.

The typology by Frei (1976) demonstrates the way in which variables can be divided to allow for pre-mediation, or "conflict" variables. His list comprises three such variables, namely: the identity and characteristics of the conflicting parties; the interrelations among the parties; the characteristics of the conflict; and two mediation variables: the identity and characteristics of the mediator; and the relationship between mediator and parties to the conflict.

Of these variables, two lack conviction as separate entities.

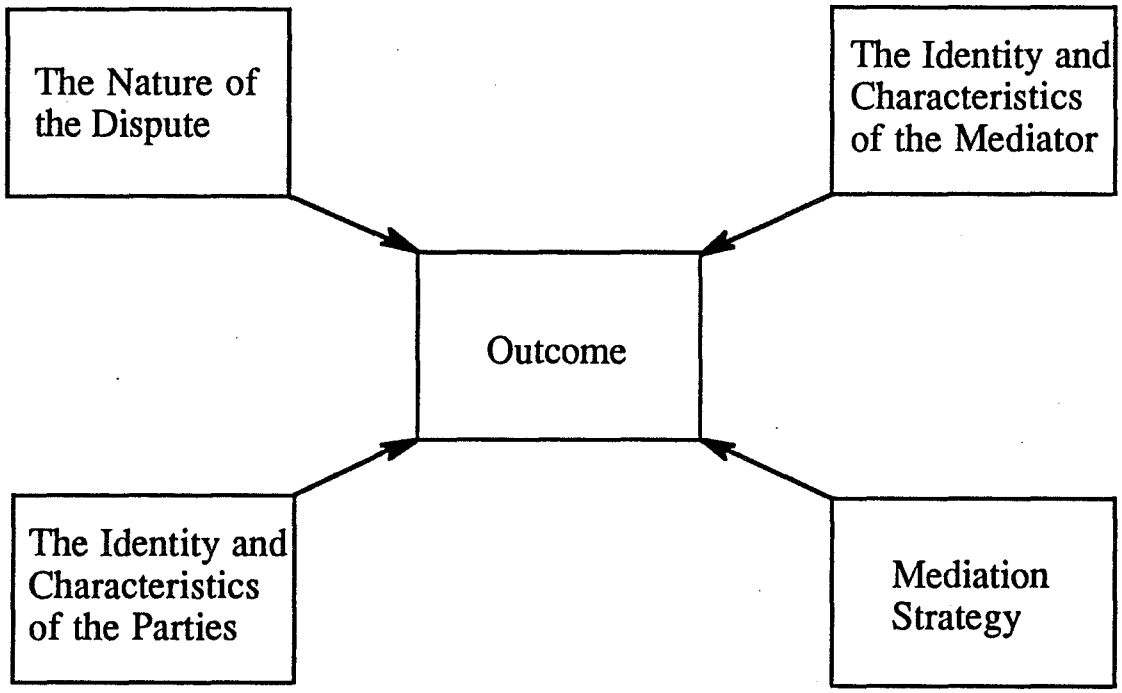
"The interrelationship between the parties" and the "relationship between the mediators and the parties to the conflict" are used by Frei primarily to measure demographic relativity; calculating differences in power, position and prestige between the disputant parties, and between the parties and the mediator. Because conflict, and mediation, represent relationships between at least two parties, such demographic relativity will occur by definition, through simply using the variables already in place to assess the identity and characteristics of the parties and the mediator. Their only relevance to the study of the conflict and mediation comes when they are considered in relationship to each other.

However, it would be wrong to believe that all the relationships between the parties and the mediator are based on contextual or demographic variables. There is also the manner in which the actors interact. To account for this a separate variable is necessary. The relationship between the parties prior to the mediation will be assessed by the variable which describes the characteristics of the conflict, so the concern is to measure how the mediator and parties relate once the mediation is in progress. This variable can be described as mediation strategy, which is primarily the measures and tactics employed by the mediator in the mediation process, and which subsequently determines the nature of the parties/ mediator interaction. Bercovitch (1986), includes a discussion of the factor of mediation strategy in his examination of the identity and characteristics of the mediator. However, mediation strategy is

a process variable as opposed to the contextual nature of the identity and characteristics of the mediator, and thus should be treated as a separate entity. Similarly, we should not restrict our understanding of this variable as referring exclusively to the mediator's behaviour, a treatment adopted by Bercovitch (1991). Rather, other factors which are part of the mediation process and contribute to how the mediation proceeds should be included. Particularly relevant is the environment, or location of the mediation.

What is derived from this discussion are four variables whose combined influence will determine mediation outcome. They are: *the nature of the dispute; the identity and characteristics of the parties; the identity and characteristics of the mediator; and mediation strategy*. The relationship between these variables and mediation outcome is schematically represented in Figure 2.1 below.

Figure 2.1: The Variables Influencing Mediation Outcome



Using an approach based on the behaviour of the participants in a mediation simplifies the difficult problem of attributing causality. The causality problem refers to the question of whether the mediation caused the outcome of the conflict. While this may have the appearance of being an unnecessary burden to concern ourselves with, it certainly should not be ignored. Consider that if in a given conflict, there is a sudden de-escalation in hostilities, and a warming of relations between the disputants. Can these events be attributed to a mediation which has just been completed, or could they more adequately be

explained by other variables such as the length of the conflict, the sustainability of the costs for the regimes, or internal political concerns? There is a danger that if we become completely enamoured with studying mediation, we forget that the mediation may be only one factor of many in the conflict scenario contributing to the end of hostilities. With subjective approaches, which account for the motivations and perceptions of the disputant parties and the mediator, the problem of determining causality is crucially important. At a motivational or conceptual level, it is tenuous to attribute causality with certainty to any social phenomena. However, because an objective approach must operate at the level of behaviour, it is a valid and consistent measure to make the necessary simplifications. As Figure 2.1 demonstrates, the outcome of the mediation (and hence the conflict situation) is assumed to be contingent upon the influences of the variables which represent the mediation relationship. We must assume that if there is a change in the nature of the conflict, for example the achievement of a partial or full settlement, and this occurs following a mediation episode, then it was the mediation that was responsible for precipitating that change.

It would be misleading to claim that an objective approach can be recommended as a panacea for the various problems surrounding the definition and evaluation of mediation outcomes. The weaknesses of this approach are obvious. It represents a less ambitious and more superficial approach to classifying outcomes. Because no attempt is made to investigate the perceptions of the

involved actors and the observers, it is impossible to determine when the conflict is fully resolved in the different actors' perceptions. Ultimately, the decision to use an approach based on behaviour should be understood as a reluctant yet necessary decision, based on the need to operationalise a complex field of research.

Conclusion

This chapter has approached the task of defining the parameters of mediation outcome classification with both a methodological and theoretical interest. The consequent conclusion is that the answers to these interests are not congruent. With the freedom to theorise, it is possible to reach a comprehensive set of criteria from which parties and observers of a mediation episode will evaluate and define success and failure. However, when the demands of empirical research are added, the ambitions of theory must give way to the constraints of time and resources. This study relies on being able to classify the outcome of a large number of mediation cases using archival material. As was discussed when examining the use of interviews and questionnaires in mediation research in the previous chapter, collecting enough information from the different subjective sources to gain the same empirical base is impossible for the resources of this study.

This does not mean that we should view a consideration of

subjective perspectives of mediation evaluation as a wasted effort. Not only is it a valuable theoretical exercise, but it is crucial to have a detailed understanding of different schools of thought concerning the complex question of defining outcome. Only through gaining knowledge of these perspectives, is it possible to place an objective perspective in its relevant context. It is important to remember that the use of an objective approach, which defines settlement as success, is no license to become so engrossed with behaviour as to forget the relevance of parties' and observers' perceptions of justice, efficiency, and feasibility, and how it is satisfaction with these that results in the phenomenon of conflict resolution.

Endnotes

1. In this discussion, the concepts of fairness and justice are defined as being congruent.

2. "Resources" is taken to mean both tangible and non-tangible resources in this discussion. Examples of the former are territory and money; examples of the latter are recognition and control.

Chapter Three:

The Nature of the Dispute, and the Identity and Characteristics of the Parties

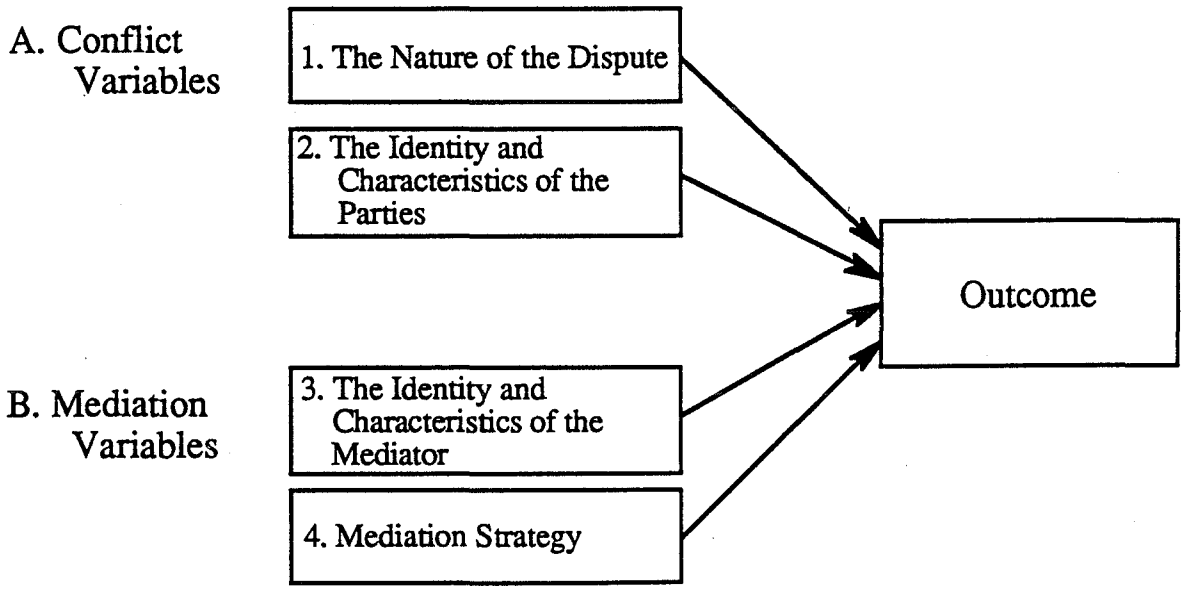
Introduction

Following the discussion of the previous chapter it is now possible to analyse and evaluate the outcome of a mediation. It has been established how to recognise and classify a successful, partially successful, or failed mediation. Furthermore, we now understand the outcome of mediation as being determined through the influence of four broad variables: the nature of the dispute, the identity and characteristics of the parties, the identity and characteristics of the mediator, and mediation strategy.

Having accomplished this, the task now is to look within each of these four variables, in order to identify the different factors which exist within each of them, and to theoretically explore the impact each of these factors has on mediation outcome. Chapter Three will not discuss the theoretical dimensions of all four of the variables which represent the mediation relationship. As the discussion of typologies in the previous chapter described, there is a basic division between those variables which describe the conflict, and those which are specific to the mediation episode.

Consequently, this chapter will examine the factors within the variables of the nature of the dispute and the identity and characteristics of the parties, while Chapter Four will concentrate on the identity and characteristics of the mediator, and mediation strategy. The division of the mediation relationship into conflict and mediation variables for the bivariate analysis is represented below in Figure 3.1.

Figure 3.1: A Model of Bivariate Analysis of Mediation Outcome



The nature of the discussion in Chapters Three and Four will be exclusively bivariate in orientation. This means that each factor is assessed independently, for its individual impact on whether mediation succeeds or fails. The mediation literature abounds

with notions linking different factors in the mediation relationship to a failed or successful outcome. The task of Chapters Three and Four is to review these notions, and to construct hypotheses linking how each factor may lead to a particular outcome.

The Nature of the Dispute

Introduction

The nature of the dispute is a variable which precedes even the consideration of conflict management, describing the various factors that are evaluated to create a dispute scenario. These factors include the demographic or contextual details of the conflict such as fatalities and duration, and also the more conceptual questions of issue nature and timing. In general these factors can be placed into two clusters: the issues of the conflict, and the conflict features.

The Issues of the Conflict

The issues of the conflict refer to the basic cause of the conflict, including what is at stake, and what is being contended by the disputants. Our discussion begins with the widely accepted proposition that the more important an issue is to a party, the less likely it is that a mediation will succeed (Touval 1982:8). The logic in this is that if a party is unwilling to compromise, the conflict becomes zero-sum in nature, and allows no room for latitude in the mediation process (Burton 1972:159). That mediation will be unlikely to succeed in such a situation seems

rather obvious, to the point of being a truism, given that mediation will typically hinge on at least a willingness to listen to an opponents point of view. In any case, it does not take us very far, and it is more rewarding to aim toward an understanding of exactly which issues will (or will not) be more amenable to successful mediation.

The nature of the issue has been strongly associated with mediation outcome, and many theorists have pursued this connection in their research. Generally their propositions divide the issue field into four: issues of territory (sometimes referred to as sovereignty), ideology, security, and independence. However, despite being a subject of widespread attention, there is little specific information that can be derived from the literature if a hierarchy of issues is sought, ranked according to their likelihood of being successfully mediated. Young (1967:46) and Ott (1972:599) both note the difficulty of successfully mediating issues of security. Touval (1982:8) claims territorial issues are very difficult to resolve, while Bercovitch (1986:162), Kelman (cited in Frei 1976:79), and Ott (1972:599) agree that ideology is an extremely difficult issue to deal with. Finally, Bercovitch argues that independence disputes will be more difficult to mediate than security disputes (1986:162).

In the face of these comments, the initial impression must be that there are no "soft options" in terms of issues being suitable to successful mediation. Young reminds us that:

> Another difficulty involves the crucial importance and high level of the stakes involved in a severe international crisis. Crises in this context may very well have a significant bearing on the national survival of the states involved as functioning units (Young 1967:46).

Thus little progress is made from the initial proposition that the suitability of an issue for mediation depends primarily on the degree of importance the parties in a dispute place upon it. Nevertheless it would be wrong to dismiss the question of nature of issue as either indeterminable or too difficult.

Looking further at the question of issues, we can divide the spectrum into two basic classes; those fought over tangible issues such as territory or security, and those fought over intangible concepts such as ideology or independence. With tangible issues, there is room for compromise or creative solutions. Territory issues may be solved through division or sharing of the area at stake. Security concerns may be overcome through creating demilitarised zones, installing early-warning systems to prevent surprise attack, or enhancing communication facilities. However, such measures are unavailable with intangible issues, which are typically zero-sum conflicts in nature. Issues such as ideology or independence cannot be compromised or divided, often they are clouded with emotional responses and historical baggage which make creative solutions virtually impossible. It is because of these facts that we can expect there to be some variation in the success of mediation according to the nature of the issue, with security and territory conflicts mediated more successfully than independence or ideology disputes.

This suspicion is confirmed when we turn to the results of previous empirical research. By tabulating the success level attained through the mediation of the different issues, Bercovitch (supported by the results of Butterworth [1976], and Frei [1976]) is able to substantiate his claim that:

> Ideology disputes and independence disputes are less amenable to mediation than security disputes (in 60% of which mediation had some success) and sovereignty disputes (mediation had some success in 52% of cases) (1986:162).

Through considering how certain issues can be mediated, and turning to empirical analysis we can begin to understand which types of issues will be more successfully mediated than others. While exceptions to these conclusions may exist, they do provide the foundation for the first part of Hypothesis One.

However, before constructing the first hypothesis, there is one further area where analysis on the issue dimension can be pursued. Basic knowledge of international conflict tells us that it is unusual for a conflict to be fought over a single issue only. As well as considering the type of issue in dispute, it is useful to examine how the complexity of the issues will affect the outcome of mediation. Young asserts that it is crucial for the mediator to understand and simplify the complexity of the mediation relationship in order to promote the chance for a successful outcome (1967:87-88). While we cannot examine all the perceptions, history and details of a conflict which may give rise to complexity, one simple measurement of conflict complexity is to examine the number of issues. Indeed Moore asserts that the number of issues involved will be a factor which influences both

how easily, and how rapidly, mediation proceeds (1986:172). When there are several issues in the dispute, the mediation relationship will be more confusing, and the search for alternatives more complex. Similarly, the parties will have more reasons for animosity toward each other and will be less inclined to compromise. Finally the mediator's task will be more difficult, having to understand, and simplify, the different issues and positions on them. The second part of Hypothesis One examines the relationship between dispute complexity and mediation outcome.

Hypothesis One:

> H1. A.Security disputes will be most amenable to successful mediation, followed by territory, then ideology, and finally independence.
> H1. B.The more issues in a dispute, the less chance of mediation being successful.

The Conflict Features

The term "conflict features," refers to the descriptive factors of the dispute: the number of fatalities, the intensity of the conflict, and the dynamic, or phase the dispute has reached. As with the area of conflict principles, the literature abounds with notions linking these factors to mediation outcome. The task here is to unravel these notions to determine how each factor should be measured, and to determine what value for each can be positively associated with mediation success.

Predicting the termination of a dispute through observation of

fatalities is a study which predates the emergence of mediation researcher's interest. Klingberg, in his study of battle and population losses by nations in conflict found that:

> There is some evidence that nations in modern times will tend to surrender before they have suffered population losses greater than 3 or 4 per cent (1966:168).

This makes intuitive sense; parties faced with a highly lethal conflict with a large social cost will seek alternative means to violence for settling their dispute. Studying mediation cases, Bercovitch found that disputes with a low fatality count (100-500) were 63 per cent more likely to be mediated successfully than conflicts with high fatalities (defined as over 10 000) (1986:162).

The problem with dealing in the number of fatalities is that it can give a distorted picture of the actual dispute. Extremely high casualties sustained over a period of a few weeks will have a different motivational impact on a party than the losses sustained gradually over a protracted period of time. However, concentrating simply on time does not get us beyond the simplicity of measuring only casualties. Frei writes that:

> ... the "age" of a conflict as such does not say much about its susceptibility to mediation; more important is the age combined with the intensity of the conflict (1976:76).

While Frei makes a distinction between intensity and age, this has the impact of making intensity either a somewhat undefined, abstract concept, or equates it simply with fatalities again. What is needed is a more sophisticated measurement for intensity.

Through combining the factors of dispute age and number of

fatalities, we can create a useful definition of conflict intensity through which to examine the relationship between levels of intensity and successful outcome. Frei provides a summary of the variation of ideas presented in the literature on this subject. He notes that Bar-Adon (1971), Burton (1968), Jackson (1972), and Young (1968), all make the association between high dispute intensity and positive mediation process and outcome (Frei 1976:77). These authors consider that intense conflicts provide more conspicuous solutions, and generally give the parties an appreciation of the high costs involved in perpetuating their dispute.

However, Frei also discusses the fact that other theorists have contradicted the view of high intensity equating with suitability to mediation. Burton (1969) considers the rationale of a party's entrapment to a course of violent action, Landsberger (1955) and Nicholson (1970) present the argument that the more intense a conflict, the less the passage of necessary information, while Kerr (1954) and Modelski (1964) suggest that the higher the costs the parties have to pay, the higher the polarisation (Frei 1976:77). Here then we have the opposite suggested; high conflict intensity may actually worsen the chance of successful mediation.

Moving away from Frei's discussion, the contradictory opinions remain. Ott (1972:616) and Wall (1981:177) argue that if the parties are aware of very high costs accruing from an intense dispute, they will move toward conflict management.

However, Kressel and Pruitt (1985), and Bercovitch (1986) counter this by arguing that the empirical evidence shows that mediators' efforts to manage particularly destructive disputes are typically unsuccessful. Bercovitch argues that:

> Protracted and intense international disputes are not particularly amenable to mediation or other forms of third party intervention (1986:162).

Is there a means by which the disagreement between the theorists can be understood? One comment that can be made is that in intense conflicts, parties may agree more readily to come to the mediation table, but once there may find it difficult or impossible to achieve any progress toward settlement. While this does not explain all the diverging ideas it is an idea which deserves further consideration. Parties may have more than just the simple resolution of the dispute on their mind; a mediation attempt in a particularly severe conflict will provide them with a public relations exercise with the international community and their own internal constituency, which is likely to be expressing concern at a high level of fatalities. Similarly, the period of mediation may also provide the opportunity for time-out during which armed forces can regroup, strengthen themselves, and plan another move to achieve outright victory. This leads to the suggestion that parties in an intense conflict may agree to mediate readily, for various motives, but will be less likely to use the mediation to achieve peaceful settlement. From these points comes the second hypothesis.

Hypothesis Two:

> H2. A. High intensity disputes will attract more mediation attempts than those with a low intensity.
> H2. B. Low intensity disputes will be mediated more successfully than high intensity disputes.

Closely associated with the consideration of which degree of conflict intensity is most suitable to successful mediation, is the consideration of the timing of the intervention. It is generally accepted among theorists that conflicts move through cycles or phases of escalation, stalemate and de-escalation (for example Kreisberg 1973, Pruitt and Rubin 1986). A conflict is a dynamic and constantly evolving phenomenon. The question concerning the mediation theorist is this: at what time in this dynamic process is the conflict most amenable to successful mediation?[1]

There is universal agreement in the literature that "mediation should take place at a propitious moment" (Touval 1982:8-9). Different theorists agree there will be a particular time in the conflict dynamic during which mediation will have the best chance of succeeding. Unfortunately, it is here that the agreement ends. We again see divergent views in the relevant literature over when that exact moment might be.

A mediator may intervene early on in the conflict process, trying to prevent the emergence, or escalation of violence, and the general polarisation that typically will accompany such behaviour. Edmead argues that the progress of peaceful settlement

is facilitated by early intervention before the parties become entrapped into a course of violent action which sees the object of the conflict rise in value in their perceptions (Edmead 1971:23). From a humanitarian perspective this argument is attractive; to terminate a conflict before it becomes too lethal will save much suffering. Unfortunately, there is strong evidence to suggest that mediation that is initiated early in the dispute will have little chance of succeeding. As has been discussed above, successful mediation relies on the parties responding to pressures arising from the nature of the dispute, and becoming committed to settling the dispute through peaceful means.

What aspects of dispute nature will convince the parties to seek help in the peaceful management of their conflict? Several theorists have approached the question of predicting the termination of conflict, not concentrating specifically on mediation research, but rather on discovering what circumstances will convince the disputants that suing for peace is more profitable than continuing to fight.

The general conclusion that arises is that the disputants (often bilaterally, but if unilaterally, typically the potential loser) will take note of certain "symbolic clues" and move toward settlement (Coser 1961:350). These symbolic clues include: the fall of the capital city, the capture of a charismatic leader, the reaching of a natural boundary (Coser 1961); the failure of a final great offensive, a certain percentage of population loss (Klingberg 1966); and fluctuating political effectiveness and

economic production levels on the part of a regime (Organski and Kugler 1978).

While none of these studies are completely persuasive in their argument or findings, for the purpose of this discussion we need only to draw a common thread from their explanation. What is clear is that all these indices rely on a period of overt conflict, in all likelihood for a protracted time. It seems that in a general sense, parties will begin to consider peaceful settlement seriously only after the conflict has been in progress for some time.

Turning to the field of mediation research, we find several theorists willing to support this assertion. Northedge and Donelan write that mediation will only be effective after a period of conflict, and after each party has shown a willingness to consider a peaceful compromise (1971:309). Bercovitch writes:

> Mediation, it seems, is more effective when it follows, rather than precedes, some "test of strength" between the parties. A minimum duration (here defined as 12-36 months), a stalemate, or mutual exhaustion seem to be ideal phases in the dispute to initiate mediation (1986:161).

However, it does not follow that the longer a conflict has been in existence, the more likely it will be that a mediation is successful. Long-term conflict may become habitual, and the parties will become entrapped in the dispute as they commit more and more resources to obtain victory.

The usefulness of stalemates for causing parties to reevaluate their policies is noted by Touval and Zartman. They write that

hurting plateaus, and in some cases crises bounded by deadlines, are the two most useful situations for prompting successful mediation (1989:125). Parties are confronted with the idea that it is intolerable for them to continue the effort of conflict, and it is time for them to seek alternative means of solving their dispute, to cut their losses and get out.

Hypothesis Three:

> H3. Mediation will be unlikely to succeed if initiated too early in the conflict (defined as up to 24 months), or even prior to the advent of physical force. However, it is also unlikely that conflicts that have been in progress for a protracted period will be successfully mediated (for example, over 36 months).2

Conclusion: the Nature of the Dispute

In considering the importance of the nature of the conflict variable as a determinant of outcome, Ott writes:

> The success or failure of mediation is largely determined by the nature of the dispute... (1972:597).

If we accept Ott's proposition as reasonable, then this variable should be considered as particularly significant among the determinants of outcome. Certainly the discussion to this point has indicated that the dispute nature will formulate the parties' conceptions of their options in the quest for attaining their goals, and through this determine their preference for conflict management. It is this point we move to discuss in the next section.

The Identity and Characteristics of the Parties

Introduction

Research on this variable is undertaken to understand which factors will lead the parties in a conflict to agree to a mediated settlement. In discussing these factors, two basic types can be identified. The first section looks at the importance of the identity and characteristic factors of an individual party, while the second considers the factors that arise when the parties' interrelationship is considered.

The Individual Features of Disputant Parties

As the previous discussion on dispute nature indicated, a party's understanding of how the conflict is proceeding is very important. Their recognition of population losses, economic sustainability, and territory lost or gained will be one way through which the decision will be made. Similarly, the pressures from the plateaus and precipices of stalemate and crisis bounded by deadline which make up the conflict dynamic will influence their decision as to the wisdom of continuing violent behaviour.

However, the recognition of dispute nature is only half of the equation. To complete the understanding we must determine why the parties will choose mediation, rather than direct negotiation, or, after a spell, to resume fighting.

In the final analysis, this decision can be best understood as a cost/benefit calculation on the part of the disputant. When a

party perceives that they stand to achieve more from a mediated settlement than from fighting on, or from bilateral negotiation, they will be motivated towards mediation (Touval and Zartman 1985a:34). The more they are convinced of the benefits of mediation, the higher their motivation to seek peaceful settlement and their receptivity to the process. Consequently it is more likely that mediation will succeed (Kressel and Pruitt 1985:186; Bartunek, Benton and Keys 1975:554).

Several theorists support this notion of a cost/benefit analysis on the part of the disputants. Bercovitch writes that parties who have an awareness of dissatisfaction with their own conflict management efforts, who face an uncomfortable, potentially escalating conflict situation, and who are aware of the limitations of resorting to military action, will be the most open to mediation (1984:108). In his case study of conflict between Indonesia, the Philippines and Malaysia over the formation of the Federation of Malaysia and its claim to Sabah, Ott argues that the cost in terms of resources and allies to the Philippines and Indonesia was one of the important factors that contributed to peaceful settlement of this mediated dispute (1972:615).

Beyond the importance of simply getting a particular party to the mediation table, it is also important to consider their attitude once they become involved in the mediation. Parties who have grudgingly acquiesced to mediation, or who are still openly hostile, will lessen the chance for successful mediation (Hiltrop

1989:258). Conversely, a party that is enthusiastic about the mediation process, willing to listen to the other party, discuss all aspects of the dispute, and displays a spirit of conciliation and mutual compromise, demonstrates a frame of mind conducive to the success of mediation (Brouillet 1988:172; Hiltrop 1989:258; Pechota 1971:3). The problem for the student of international mediation is that these attitudinal factors are very difficult to quantify, and can only be assessed through the assumption that the more desperate the situation for a party, the more committed that party will be to the mediation process, and hence more likely, whether genuinely or falsely, to display these positive traits.

As well as a hostile reaction to the mediation process, there are several other factors which can work against a party's receptivity to mediation. The first of these is what Young refers to as the "emotional field of the crisis." He writes that conflict situations are notorious for their emotionality, and this can lead to irrational behaviour, distorted perceptions, and rigidity of position on behalf of the disputant parties (1967:33). Similarly, the effect of national loyalty and "ideological blinkers" may dictate total unwillingness to engage in conflict management with the other disputants (Young 1967:46).

The final factor which will operate against a party's willingness to enter into mediation, and accept its outcome, is the desire to save face. This problem affects the chance of successful mediation at several levels. It may prevent the first steps

toward mediation because a party may be anxious to maintain a position of strength, and not give any appearance of making a concession (Young 1967:33-34). Similarly, it may be a problem once the mediation is under way, with proposals or suggestions from the other disputant rejected not because of substantive merit, but simply because they were made by the opposition (Young 1972:58). Finally, a proposed outcome may be rejected by a party because it requires a compromise which may call into question a party's resolve, status or strength. This problem may be particularly acute if the party is feeling pressure internally as well as externally, and is anxious to maintain status in the face of its own constituency.

As well as a party's commitment to the mediation process, there are other factors concerning the individual party, which go toward determining mediation outcome. One of these is how well defined the identity of a party is, or in other words, the state of its internal cohesion. The important principles for our discussion of this determinant are these: firstly, that to be successful, mediation must take place between adversaries with clearly defined entities; secondly, the representatives at the mediation table must be legitimate spokespeople for their respective parties (Bercovitch 1986:160). Frei writes that:

> ... one might argue that the more clearly defined are the conflicting parties, the clearer are the addressees of mediative action (1976:70).

This aspect of party identity introduces the importance of internal party cohesion. Kressel and Pruitt conclude that the absence of severe internal discord is an important prerequisite

to mediation success (1989:405). Representatives must have the authority to make a decision on behalf of their party, they must have no strong internal opposition to distract attention away from their task, and they must be able to successfully sell all their constituents a settlement reached through the mediation process. It is from this basis that Touval and Zartman conclude that:

> Parties come to agreement best when their own preferred solution is blocked but when they themselves are strong, so they can make a compromise decision and defend it against internal opposition (1989:133).

Hypothesis Four examines the relationship between the internal homogeneity of the parties and mediation outcome.

Hypothesis Four:

> H4. Disputes between parties that experience little internal opposition, will be more amenable to successful mediation than those with strong internal opposition.

This consideration of strength is only concerned with the position of the internal regime. Also of interest here is the strength of the party in terms of its relation to other actors in the international system. In this vein both Bercovitch (1986:160) and Frei (1976:72) support the proposition that small to medium powers, rather than superpowers, will reach a mediated settlement more readily. A party which depends on others for different forms of assistance will be more inclined to accept the offer of mediation, and once begun, will be more likely to conclude with a peaceful settlement. Conversely, very strong actors may be more convinced in their own ability to achieve

outright victory in the dispute. The fifth hypothesis links party capability or external strength to the incidence of mediation success.

Hypothesis Five:

> H5. The more powerful the disputant parties, the less likely it is the dispute will be successfully mediated.

To this point, the discussion of party identity and characteristics has focused on factors relevant to individual parties: their power, their identity, their internal cohesion, and their commitment to the mediation process. However, there is a limit to how much this information can tell us. What happens if one party is very committed to the mediation process, yet the other is completely disinterested? How do you classify a party as a small medium or large power when the concept is so relative? It is considerations such as these which lead us to the next section of this discussion: the consideration of the interrelationship between the parties in a conflict, and how this pertains to mediation outcome.

The Relative Position of the Disputant Parties

The first consideration when we acknowledge the importance of relative factors, is the question of how many parties are involved in the conflict. It is suggested by several theorists that the number of parties, and hence the number of mediation participants, will be a determinant of whether the mediation is a success or failure.

Mack and Snyder hypothesize that mediation will be less successful the greater the number of parties involved (1957:231). More recently, Zartman and Touval have written that in multilateral conflicts "there are serious impediments that hinder effective mediation" (1989:133). With more parties involved there is a need to accommodate more interests, and the higher the chance of conflicting ideals. Similarly, a multilateral mediation will be more complex with difficult interrelations, a more cumbersome process, and the less chance for a mutually acceptable compromise.

An opposing argument holds that this very complexity and multitude of dimensions to the dispute adds up to an increasing scope for mediation. In this situation the intermediary will have an enhanced role due to the parties inability to deal with the complicated nature of the conflict (Young 1972:55). However, Young is only arguing that the mediator will have an enhanced role, he makes no claim that multilateral conflict will be settled more readily. Thus Hypothesis Six Will test the propositions of Mack and Snyder, and Zartman and Touval.

Hypothesis Six:

> H6. Multilateral conflicts will be less successfully mediated than bilateral conflicts.

Turning away from considerations of numbers of actors to the question of their relative power, there is widespread agreement in the literature. Bercovitch (1986:160); Frei (1976:72); Moore (1986:34); Ott (1972:599); and Young (1967:43-4) generally agree

that where there is basic parity in power between the parties in conflict, mediation has a better chance to succeed.

There are two arguments behind this reasoning. The first is that in the case of one party being significantly stronger than its adversary, it is unlikely it would readily agree to capitulate or compromise with its weaker foe. The second reason is that when the parties are roughly equal in power, it enhances the mediator's position of influence over the parties, and makes it easier to move them toward settlement (Young 1967:44).

The only dissenters to this argument are Legg and Morrison who argue that power parity means parties will not accept mediation because of the hope for "better times" in the future (cited in Frei 1976:72). Their lone voice is kept alive by the results of Frei's empirical tests which were unable to confirm either way on the question of relative power of the disputants (1976:73). However, Bercovitch's reinterpretation of Butterworth's (1976) data shows "strong empirical support" for the notion that mediation is most successful when involving parties with power parity (1986:160). Frei's inability to show a similar result can be explained by the small number of cases (n=5) he tested where the power difference was medium or large. A conclusive answer will be supplied through the results of testing the seventh hypothesis.

Hypothesis Seven:

> H7. The more unequal in power the disputant parties, the less likely mediation will be successful.

The final factor that can be identified as pertaining to the disputants interrelationship is their relationship before the conflict began. In reviewing the suggestions in the literature, there is considerable support for the idea that the better, or closer the state of the parties previous relationship, the more amenable the conflict is to mediation. Where parties share a common reference group, and hence common norms, the more likelihood of a peaceful settlement being achieved (Hoijer 1925, cited in Frei 1976:80). Similarly, if the nations have an economic interdependence, the chance for mediation success is enhanced (Frei 1976:73). When the parties have a better knowledge of each other, and have been on friendly terms, they will be more willing to become involved in an interactive process with them. This may also help to overcome what Young identifies as the problem of settlement being unobtainable:

> ... not because [the parties] are unable to achieve consensus on the terms of an agreement, but because they do not trust each other to carry out the terms of the agreement faithfully over time (1972:58).

From this discussion comes the eighth hypothesis.

Hypothesis Eight:

> H8. Disputes involving parties with a positive previous relationship will be more likely to be successfully mediated than disputes involving parties with a negative previous relationship.

Obviously, if the parties have had negative relations or previous experience of disputes against each other, the opposite applies and settlement will be less readily achieved (Bercovitch 1986:161).

Conclusion: the Identity and Characteristics of the Parties

Writing on the importance of the disputant parties to the success of mediation, Bercovitch states that:

> ... ultimately both the nature of a conflict and the outcomes achieved depends, first and foremost, upon the parties themselves, the issues in conflict and their motivation (1984:115).

International politics in general and international conflict in particular represent the interactions of human beings; individuals who make decisions as to the behaviour of the parties they represent. For any mediation, no matter what the nature of the dispute or the impact of the mediator, the decision to settle a conflict ultimately rests with the parties themselves and their willingness to reach an agreement. They draw the bottom line, whether to fight on or sue for peace. Holsti writes that mediation is:

> based on the principle of voluntarism- both parties to a conflict must accept the role and functions of the third party- it is the protagonists themselves, through their responsiveness and willingness to be intervened who will ultimately determine the third party's success (1972:462).

Thus the identity and characteristics of the parties in conflict takes on a prominent position in our understanding of successful mediation.

Conclusion

The general conclusion from this chapter is that both types of conflict variables; the nature of the dispute, and the identity and characteristics of the parties, are treated as very important

in the literature. What flows from this is that the variables have a highly interconnected nature. Kressel and Pruitt, concluding on the current state of mediation research, write that one overall finding stands out:

> The worse the state of the parties' relationship with one another, the dimmer the prospects that mediation will be successful (1985:185).

The perception of the parties, and the decisions that they make concerning the mediation, are the "bottom line" in the final outcome of a mediation. However these perceptions are formed by, among other things, the factors which compromise the nature of the dispute. While for the purposes of systematic research the approach is to separate the various variables and factors, it must be remembered that in reality they will often be impossible to delineate.

The second conclusion which transpires in reviewing the literature is that there are often completely contradictory notions among theorists. This would appear to be symptomatic of the stage to which mediation research has evolved. While it is a field gaining increasing attention from theorists of international conflict, there is as yet no universally adopted schedule around which the research is being based. Until such time as one is adopted, we will continue to see fragmented pockets of research conducted through different techniques, and as a consequence, often offering contradictory results. Significant results from the empirical analysis of the preceding hypotheses will contribute to the clearing of these anomalies and contradictions.

Endnotes

1. The timing of the mediation is a factor which could conceivably be treated as either a part of the nature of the dispute, or under the heading of the mediation strategy. That it is being treated as a conflict, rather than a mediation variable, is a reflection of the fact that the value of this factor (ie the time to mediate), is treated in the theoretical literature as being dependent upon the progress and situation of the conflict, rather than on the behaviour of the mediator.

2. In order to specifically quantify duration, the general categories for the time between the beginning of the conflict and mediation initiation were divided into three groups: up to 24 months, 24-36 months, and longer than 36 months. It is hypothesised that the middle period would be the one in which mediation was more likely to be successful. Naturally there is a degree of generalisation here, some conflicts may only last one day, others may have a duration of many years. These periods were simply chosen because, on average, they presented periods which reflected the message of the previous literature, and because they presented a way to operationalise a complex question.

Chapter Four:

The Identity and Characteristics of the Mediator, and Mediation Strategy.

Introduction

The manner in which the identity and characteristics of the mediator and the mediation strategy contribute to the outcome of a mediation completes the picture of bivariate analysis. While the previous chapter concentrated on the conflict variables of dispute nature and party identification, this chapter is concerned with the other two variables which represent our framework of the mediation relationship. The variables of mediator identity and mediation strategy are variables which are mediation specific, as they only have relevance to outcome once the mediation process has begun.

As with the previous chapter, the aim is to generate hypotheses which link particular factors to a mediation outcome. These hypotheses are drawn from the literature's suggestions and findings on the place of mediator identity, characteristics, and strategy in the mediation relationship.

The Identity and Characteristics of the Mediator

Introduction

The identity and characteristics of the mediator is a variable which places the mediator as the central figure in the mediation case, and examines how he or she (and the organisation or state the mediator represents), through ability, assets, and representation, influences the nature of the outcome. Within this variable, there are two broad areas which will aid our understanding of mediator impact. The first of these covers the personal qualities of the mediator, with the second being the representational qualities he or she may have.

Personal Qualities

Outlining the personal qualities a mediator needs in order to mediate successfully has enamoured most researchers in the field. Many of the suggestions are congruent, so to avoid repetition, this discussion will be derived from the qualities, rather than the authors who suggested them.

A mediation is an interactive relationship, so to be effective a mediator must be *au fait* with the necessary knowledge of such social processes. For example, the mediator will need the procedural skills to direct the negotiations, to organise ideas, and to make pertinent suggestions (Bercovitch 1986:163). In order to accomplish this the mediator must have excellent communication skills, and the ability to make the parties feel not only welcome, but also important and listened to. In addition to these

skills, there are further personality traits which will enhance the process of successful mediation. Amongst the intricate permutations of the conflict, with the protagonists cautious lest they give away too much ground or lose any advantage, the mediator needs patience and energy. Finally, it is suggested that a mediator should also have a timely sense of humour. This is not solely to make the process of mediation more enjoyable for those involved; there have been several studies undertaken which indicate that:

> ... the judicious use of third-party humour may actually facilitate movement toward settlement (Pruitt and Rubin 1986:177).

Good humour may incite parties to be more persuadable, generous, and willing to trust the mediator.

However, mediators must be more than well humoured, patient organisers. They also need to be knowledgeable and intelligent; comprehending not only the psychological processes that result in the parties behaviour, but also having a deep understanding of the issues which are at stake in the conflict, and a general knowledge of politico-military affairs (Ott 1972:599; Touval 1982:8; Young 1967:87). Because mediation success in part relies on the mediator's ability to settle a dispute peacefully, he or she must be able to evaluate the situation, and understand how to motivate the parties within it. This requires that the mediator has a precise sense of timing, so as to be able to choose the exact moment to "penetrate the decision processes of the protagonists" (Young 1967:89).

For the purposes of research, all of these assets and attributes are simplified into one observation, namely that to have the best chance of inducing settlement, the mediator needs personal skill and experience in the playing of his or her role (Kressel and Pruitt 1985:196). The dynamic of international conflict, and the responsibility it places on the mediator, make mediation no place for the inexperienced, the uninitiated, or the unaware. Young writes:

> ... the importance of knowledge is only underlined by the extreme complexity of contemporary crises, a factor which tends frequently to increase the pressure of impulses to resort to coercive force and which certainly increases the delicacy and precision required for success in programs of persuasive intervention (1967:87-88).

A mediator who has previous experience in dealing with this complexity will be most likely to produce a successful conclusion to mediation. Similarly, the mediator must be respected by all the parties, and be seen by them as experienced enough to be capable of settling their dispute (Ott 1972:599). Hypothesis Nine examines the relationship between mediator experience and the outcome of the mediation, where mediator experience is defined in terms of how many conflicts he or she has been involved with as a mediator.

Hypothesis Nine:

> H9. An experienced mediator will be more successful than an inexperienced mediator in settling disputes.

Representational Qualities

Beyond the impact of the mediator's individual personality, and ability in the art of mediation, there are other assets he or she

will bring to the mediation table. Representational qualities or attributes refer to the various factors which will affect mediation outcome, derived from the mediator's position in the international community, the constituency they represent, and the previous relationship between them and the disputant parties.[1]

Carnevale and Pegnetter, studying the importance of the relationship between the mediator and the disputant parties, write that it is extremely important that the parties have trust in the mediator. Indeed, in their research lack of trust by the parties was reported as the most significant reason for non-settlement in mediation cases (1985:79). Echoing this, Princen writes that:

> ... trust is essential for mediator effectiveness because parties must be willing to accept the mediator's advice and suggestions and know they will be made with the parties' best interests in mind (1987:350).

Because mediation is a voluntary process, parties who distrust the mediator are under little obligation to accept the advice or listen to the mediator's persuasion. Rather, lack of trust is a recipe for an unsuccessful mediation attempt. Conversely, parties who trust the mediator will be more open and flexible to what is undertaken, and will be less cautious and defensive, thus freeing up the path to settlement.

An effective mediation process needs a degree of latitude for the actors involved to talk openly and frankly, and explore new ground in the search for a settlement. It is imperative in this interaction that the parties can relate to the mediator, can

understand the organisation of the proceedings, and can perceive the qualities of the intermediary. This is an extension of trust, where the parties understand and feel comfortable with the mediator.

This desirable relationship is facilitated by the parties' knowledge of the mediator, or more importantly, of the organisation or state the mediator represents. Such knowledge is gained from previous interactions between the protagonists and the actor fulfilling the role of intermediary, and will enhance the progress toward settlement. Where the parties do not know the mediator, cannot understand his or her position, or feel uncomfortable with his or her ability to mediate, settlement is unlikely. This problem also exists if one of the parties has a previous knowledge of the mediator, and the other does not. In the case of such inequality, Frei demonstrates that mediation will almost always fail (1976:80-81). Hence the previous, or pre-mediation relationship between the parties and the mediator becomes significant as a determinant of mediation outcome. Hypothesis Ten examines this relationship.

Hypothesis Ten:

> H10. When both the disputant parties have gained understanding of the mediator through a previous relationship, mediation will be more successful than if only one party has this understanding, or neither has.

Stressing the importance of an equal relationship between the mediator and each of the parties should not be extended too far,

lest it be wrongly perceived. Traditional wisdom in mediation research has argued that it is important for the mediator to be completely impartial, and to have an equal preference for all the protagonists. This, it is argued, is necessary for the parties to trust the mediator, and hence to facilitate successful mediation.

For example, Fisher considers that a successful mediator will be a "eunuch from Mars," a totally unbiased and powerless individual, completely incapable of threatening either of the protagonists (1981:74). Similarly, Brouillet (1988:170), Holsti (1972:465), Moore (1986:15), and Ott (1972:599) all argue that to be successful the mediator must be impartial in handling both the parties, and the issues in dispute. Young concludes that:

> In most situations the existence of a meaningful role for a third party will depend on the party being perceived as an impartial participant (in the sense of having nothing to gain from aiding either protagonist and in the sense of being able to control any feelings of favouritism) in the eyes of the protagonists (1967:81).

Intuitively this makes sense; we would not expect that both parties would accept a mediator who has an obvious preference for a certain party or solution.

However, the problem with this argument is that it is based on a tenuous understanding of the dynamic of the mediation process. As has already been stated in this study, mediation is an extension of bilateral negotiation; the mediator is a party in the negotiations, and thus bargains with the protagonists to achieve a settlement (Touval 1982:16). By using his or her ability to side against a particularly strong or intransigent

party, the mediator can precipitate an otherwise unobtainable settlement. Bercovitch writes:

> Intervention effectiveness is derived not from impartiality, but from the saliency of a third party, its standing and prestige, the resources it could bring to bear, and its perceived ability to exert some influence on the other party (1984:112).

This does not mean that we should now consider the importance of the parties' trust in the mediator irrelevant. Rather the opposite applies. The parties trust and accept the mediator to the extent they believe that he or she can bring about a successful outcome to the mediation. Similarly, the importance of the previous relationship between the parties and the intermediary is not contradicted by the idea that the mediator need not be impartial. Where the previous relationship is concerned, the emphasis should not be on whether the actors enjoyed a positive relationship, but rather on whether there was any relationship at all.[2] If a party understands the mediator, even to the point of knowing that he or she is partial to their adversary, they will understand the mediator's motivational structure, and will know what to expect. This will not persuade against accepting that particular mediator; if a party thinks that a mediator, albeit through partial actions can bring about an agreement which is still acceptable to all the protagonists, they are likely to accept and trust them to be an intermediary.

The relationship between the partiality/impartiality of the mediator and the success of the mediation is an old question in mediation research, and one which it is still very difficult to empirically examine. However, we can give further credence to the

idea that impartiality is not important to the success of mediation by turning to consider the significance of the mediator's resources to outcome. The question of the mediator's resources represents the other side of the coin to the partiality question; the proposition being that it is the mediator's ability to provide a settlement for the parties which is more important than his or her impartiality.

When one or both of the disputant parties desire the resources[3] that the mediator can offer, the mediator has leverage over those parties. Success in international mediation often relies upon the mediator's ability to persuade the parties to make concessions or to accept a settlement. The more leverage mediators have, the more likely they will be able to influence the parties, and the better chance a successful outcome will be achieved. Zartman and Touval argue:

> Leverage is the ticket to mediation- third parties are only accepted as mediators if they are likely to produce an agreement or help the parties out of a predicament, and for this they usually need leverage (1985a:40).

As a consequence, parties will value the mediator's resources and ability to bring about a settlement, above their impartiality.

In order to employ leverage, the mediator needs certain characteristics. Obviously he or she needs the resources to either reward the parties (so called "carrots") or to threaten them ("sticks"). The parties must see that the mediator is in a "mediatory position" and able to meet their needs (Edmead

1971:47). Further to this, Young has written at some length about the desirable representational qualities a mediator should have.

Young writes that a mediator should have prestige and repute in the eyes of the parties, in terms of being a respected and authoritative figure. Secondly, the mediator should be an established actor in international politics, and one who "displays a certain continuity." It is desirable that the mediator be present in the future, should a resurgence in the dispute occur. The third desirable characteristic for a mediator is the ability to provide and control the right physical resources. The mediator needs to provide a site for the mediation, communication facilities, equipment and personnel, transportation, and any necessary information. There is also a response consideration; a potential mediator should be flexible, mobile and have initiative, so as to be able to act quickly and authoritatively, should the need for intermediation arise. Finally, to be successful a mediator should be an actor which is internally stable and viable, and immune to manipulation from outside sources (Young 1967:85-99).

All of these desirable assets constitute a demanding list for any mediator to fulfil. Which actors in the international system will be able to best meet these requirements? Conventional wisdom amongst theorists who have specialised in studying the role of international organisations in conflict management argue that these actors make ideal mediators. Pechota, writing on the role of the United Nations as a mediator argues that this organisation

meets the three essential conditions for reasonably successful intervention: (1) a *locus standi* which cannot be ignored, which recognises legitimacy of concern, (2) methods and procedures known and agreed upon generally, and (3) certain resources which can be turned into positive mediatory values (1971:6). Zartman and Touval write that it is because of this that international organisations:

> ... were "born to mediate,"for it is a *raison d'etre* enshrined in their charters (1985a:34).

Other theorists support this position. Cot (1968) argues that behaviour exhibited by international organisations will always be rationalised, because it is recognised they are acting for a supreme cause. Similarly, Zacher (1970) argues that because international organisations pose little threat to parties' sovereignty, they will be a desirable choice for a mediator (cited in Frei 1976:78).

However, these arguments are founded in the mentality which places the acceptability of a mediator as a function of their impartiality and powerlessness, rather than as a function of their ability to provide settlement. The major failing of international organisations as mediators is their inability to provide the resources necessary to obtain leverage over the parties, and hence to maximise the opportunity for successful mediation. Touval states that international organisations:

> ... suffer from the disabilities of being both distrusted and weak. Representatives of international organisations are frequently suspected of promoting the interests of the nation of which they are citizens or of a coalition within the organisation. And as their resources are limited, they are seldom effective in influencing states through bargaining (1982:18).

Touval goes on to argue that it is states, rather than international organisations, that have the necessary resources, and thus make the best mediators. This argument refers to the question of mediator power, which concerns the importance of the mediator's influence in the international system.[4] Supporting the assertion that states rather than international organisations make successful mediators, Bercovitch writes:

> ... government leaders or representatives of governments possessing rank and prestige and having both leverage and institutional assistance stand a much better chance of success than other mediators (1986:164).

This assertion is supported by Frei's empirical findings which demonstrate that mediators representing states will more often succeed than fail when mediating, while international organisations are more likely to fail than to succeed (1976:78).[5] Hypothesis Eleven relates this question of mediator identity to the incidence of successful outcomes.

Hypothesis Eleven:

> H11. States will be more successful than international organisations at mediating conflicts.

Consideration of how the identity of the mediator influences outcome should not end with the assumption that it is an either/or relationship between states and international organisations. Within the international system there is a vast assortment of different states who may act as mediators. State size[6] can be measured through indicators such as military prowess, population, Gross National Product (GNP), and territory. As we saw when discussing Hypothesis Eleven, in general states

will have more power than international organisations. Beyond this, it is obvious that the size of states will vary enormously. Very large, strong and rich nations will have more resources to offer the parties, more leverage to produce a settlement, and more influence in the international system. Because of this they can be expected to be more successful mediators than weaker states. This argument is supported by Frei's empirical findings which show that when a conflict is mediated by a superpower, the effort will more often lead to success than failure, something which does not follow when the mediator is only a small or medium power (1976:78). Discussing the mediation by the United States of the Egypt/ Israel conflict between 1973 and 1979, Stein argues that:

> a major contributing factor to the effectiveness of the mediator in both instances was the extraordinarily high value each of the belligerents attached to its ongoing relationship to the United States. Both Egypt and Israel attached paramount importance to their relationship with the mediator and shared an interest in maintaining the efficacy of the United States as a third party (1985:345).

Hypothesis Twelve examines the relationship between state size and mediation success.

Hypothesis Twelve:

> H12. The greater the size of a state, the more successful they will be at mediating disputes.

Finally, we need to consider the question of the mediator's motivation. Different actors may have various reasons for becoming involved in conflict management; an altruistic desire for peace, the need for glory and prestige, a wish to gain

influence over the disputant parties, or a wish to stop a possible threat to themselves accruing from the conflict. Sometimes an actor may choose to mediate simply to avoid having to take sides in the dispute (Zartman and Touval 1985a:34), or conversely may feel "condemned" to play the role because there is no one else who can do so.

The question is, does it matter to the outcome of mediation whether the mediator makes the initial offer to play his or her role, or conversely, is enticed or invited to mediate? Will this impact on the outcome of the mediation? There is a paucity of literature on this subject, and certainly no propositions as to how, if at all, the initiation of mediation will affect outcome. Logic would suggest that when the parties themselves request mediation they will be more committed to the process, and a solution reached, than if mediation is offered by an actor who is external to the dispute. If the parties in the conflict realize they need help to settle their problem they are more likely to compromise, and through this to reach settlement. However, if only one party seeks a mediator and the other does not, then the situation will be unequal, with the parties seeking different things. This situation is likely to undermine any chance of the mediation being a success. Hypothesis Thirteen examines these relationships.

Hypothesis Thirteen:

> H13. A. Mediation initiated by the mediator will have less chance of being successful than if it is initiated by all the parties in the dispute.
> H13. B. Mediation initiated by the mediator will have a better chance of success than if it is instigated by one party.

Conclusion: the Identity and Characteristics of the Mediator

Amongst theorists of international mediation there is some disagreement as to the overall importance of mediator identity and characteristics as a determinant of outcome. In his 1967 study Young argued that the identity and characteristics of a third party in a mediation role were of "great importance" to the termination of the conflict. However Ott relegates the characteristics of the mediator to being of only "marginal" importance to the outcome (1972:597).

This is an interesting contradiction in views. Intuitively it is difficult to see the mediator's identity and characteristics as marginally relevant. Indeed from the outside it would appear the mediator should be of central importance to mediation. Nevertheless, we should remember that mediation is a voluntary, flexible, and at times *ad hoc* process which occurs after a dispute has begun with the issues and protagonists in position. These parties and issues existed before the mediator was known, and will continue to do so should the mediation fail. It is the parties' conflict, and the settlement of it is something they will have to live with. While there are aspects of mediator identity which should not be dismissed, an appreciation of the wider context should remain.

Mediation Strategy

Introduction

The variable of mediation strategy refers largely to the behaviour of the mediator. In any mediation case, the mediator, ascertaining the nature of the conflict and the identity of the parties, will choose to play certain roles designed to facilitate a successful outcome to the mediation. These roles will influence the manner in which the mediation proceeds. Thus mediation strategy is a process variable which dictates the nature of the negotiations that ensue, and will affect the behaviour of all the actors involved.

The first part of this section will discuss the different strategies a mediator can use, and how employing each of the strategies will influence the mediation outcome. Beyond this discussion there is one final aspect of mediation strategy that is not completely contingent on mediator behaviour. This factor is the environment of the mediation.

Classifying Strategies

When classifying strategies, the initial distinction is between those strategies which are low in their level of intervention in the conflict relationship, and those which are high (Bercovitch, Anagnoson and Wille 1991:15). In reality, these points are at either ends of a continuum rather than an either/or distinction. Different theorists have adopted their own terminology to

describe different points on this continuum; however in truth there is little substantive difference beyond names.

For example, when referring to a low level of intervention, Zartman and Touval describe the mediator acting as a communicator (1985a:38), Kressel and Pruitt discuss reflexive interventions (1985:188), and Bercovitch, Anagnoson and Wille refer to a conciliation/facilitation strategy (1991:15). With this level of strategy the emphasis is on the mediator playing a passive role, becoming familiar with the conflict, building ties with the parties, initiating or enhancing communication, and acting as a go-between. Bercovitch, Anagnoson and Wille write:

> ... the mediator in this role exhibits very little control over the interactions between the adversaries beyond what may be achieved through the direction and (often unconscious) reinterpretation of communications (1991:16).

The second type of strategy involves a moderate level of intervention by the mediator where he or she becomes more substantially involved in the process of the mediation. Zartman and Touval describe this as a formulation strategy where the mediator may redefine the issues in the conflict, and use creativity and invention to discover the parties real interests, and a solution that will meet these (1985a:38). At this level, the mediator may also control the agenda and environment of the mediation, identifying the procedures for discussion, and trying to discover a naturally integrative solution. Bercovitch, Anagnoson and Wille refer to this as procedural strategy

(1991:16), while in the terminology of Kressel and Pruitt, this is contextual intervention by the mediator.

At the higher-end of the intervention continuum are strategies which require a high level of mediator input. It is at these levels that the phenomenon of leverage in mediation occurs, with the mediator dealing directly with the issues in dispute, making suggestions to the parties, and attempting to persuade and influence them to accept them. Kressel and Pruitt refer to this as a substantive strategy (1985:192), while Zartman and Touval adopt stronger language, describing the mediator's behaviour as manipulation. They explain that in this role mediators utilize:

> ... their positions and other resources to move the parties into agreement... this is a structural role, since it directly involves power and relations, and as such is a role of power politics. In this role, mediators transform the bargaining structure from a dyad into a triangle, and become actors with interests or "full participants"- not just neutral intermediaries (1985a:39).

The tactics that the mediator may use with this strategy can include the making of threats and promises, ("sticks" and "carrots"), to either pressure or entice the parties into accepting a settlement.

Talking about strategies involving high mediator involvement, Bercovitch, Anagnoson and Wille discuss two different classifications; namely directive strategies and substantive strategies. The difference between these classifications is simply one of degree; directive strategies rely on strong suggestions and influence to obtain settlement, while substantive strategies entail open manipulation of the parties' wants and

needs (1991:16). In reality these two categories can be treated as one type of strategy, something which Bercovitch, Anagnoson and Wille eventually do when they talk of success rates accruing from the different strategies (1991:17).[7]

While the different typologies discussed by the theorists are largely congruent, the terminology employed by Bercovitch, Anagnoson and Wille will be adopted for this study. Their three-fold classification of behaviour allows a useful and comprehensive coverage of the different mediation strategies. For the purposes of this analysis, we can talk of a mediator strategy being, on a scale of involvement from low to high; conciliation/facilitation, procedural, and directive.

Which one of these strategies, and the different tactics employed under each, will be the most likely to result in successful mediation? The literature abounds with notions linking different mediator actions to successful outcomes.

Where strategies of low mediator intervention are concerned, there is general agreement among theorists that these alone will do little to provoke the reaching of a settlement. Carnevale, Lim and McLaughlin write:

> ... this is not surprising when we consider that reflexive tactics tend to be used early in mediation and thus are less likely to be directly related to mediation outcomes (1989:234).

Kressel and Pruitt write of the importance of the mediator building rapport and being accepted by the disputants before they can be effective in their role (1985:190). Similarly, Carnevale, Lim and McLaughlin conclude that tactics designed to build trust

between the parties were more:

> positively associated with an improvement in the parties relationship than with settlement (1989:234).

Thus while the use of communication/facilitation strategies cannot often be said to result in successful outcomes, they may be an important initial step in the impetus to settlement.[8]

Moving into the mid to upper range of mediation intervention levels it is difficult to find any real trend amongst theorists as to which will be most effective. Talking of procedural strategies, Carnevale, Lim and McLaughlin write that their research shows tactics involving the setting of an agenda can be "positively associated with general settlement in every case" (1989:235). Zartman and Touval state that procedural or formulative intervention is "pure" mediation, in which the mediator has:

> ... no preference among solutions (except for a solution that satisfies the parties), exercise no power (except the power of persuasion to change people's minds), and have no weight (except the weight of the arguments required to get the parties attention and confidence) (1985a:38-39).

They argue that such a strategy may be the key to a mediator's success in persuading the protagonists that it is better for them to take a conciliatory approach, and hence to accept a peaceful outcome (1985:35). Similarly, Brouillet argues that the use of process control is imperative for successful mediation (1988:172), while Stein writes that persuasion is the key for a mediator who wishes to be successful (1985:345).

However, we should not suppose that because procedural strategies are successful in mediation, directive or substantive strategies will be any less so. In fact several theorists argue strongly that high intervention strategies will be significantly more successful than medium level ones. For example, while Young writes that selective or manipulative use of information is one way in which the mediator may enhance the prospect of settlement (1972:57), other theorists go a step further. As was discussed earlier, Zartman and Touval write that strategies which use leverage are the "ticket" to successful mediation, while Bercovitch argues that the mediator's ability to promise new resources, or to threaten parties with the withdrawal of resources, is the "most persuasive and effective form of third-party influence..." (1984:106). Fogg describes that in the Soviet Union's mediation between India and Pakistan over the 1966 Kashmir conflict, Soviet Foreign Minister Kosygin achieved success through using the threat that his government would isolate either nation if they did not comply with the terms of the Soviet's settlement proposal (1985:335-336). This anecdotal evidence is supported by the recent empirical findings of Bercovitch, Anagnoson and Wille who found that:

> Clearly, the more effective strategies in international mediation are the more active strategies. Mediators employing directive or substantive strategies are successful, on average, 41% of the time [as opposed to 20% for procedural, and 19% for conciliation/facilitation] (1991:16).

These authors conclude that possessing resources, and using them in an active strategy are "the basis for a successful mediation."[9] Hypothesis Fourteen links mediator strategy to mediation success.

Hypothesis Fourteen:

> H14. Strategies involving a high level of mediator intervention will be more likely to produce a successful outcome than those of a low intervention level.

Beyond this simple linkage between type of strategy and outcome we move into largely uncharted territory. The question of how a mediator chooses the strategy he or she will use is not central to this discussion of mediation outcome, but is a field where progress is being achieved (for example, see Carnevale and Pegnetter 1985; Carnevale 1986; Kolb 1983).

However, it is interesting to discuss the relevance of timing, or the application of different strategies at different times. Realistically, any mediation case will involve the use of a combination of tactics and strategies. Kressel and Pruitt suggest that:

> ... it is clear that strategies and tactics are not used separately but are "bundled" together in strategic thrusts. Skilful mediators know how to construct such bundles (1985:196).

Unfortunately, we are not at the stage where we can systematically address this concept at the level of international mediation beyond some simple conjecture, or listening to the testimony of isolated practitioners. Writing on labour/management mediation, Hiltrop concludes that "timing is crucial to effectiveness" (1985:97). He writes that mediators should begin with strategies of low intervention, and move toward being more directive and substantive as the pressure for settlement builds.

This idea of tailoring the strategy to meet the timing or phase of the mediation is further discussed by Jones, who established that successful mediators vary their strategy as the mediation progresses (1988:492). The evolution of these notions to the stage where they can be tested systematically and empirically represents a fascinating challenge for the future research into how mediation strategy affects the nature of outcome.

Finally, we consider how the location of the mediation affects the outcome. One principle which stands out in the literature is that to be effective, mediation should be carried out under "closed-site" conditions (Pruitt and Rubin 1986:171). Harbottle writes that:

> ... more progress can be made through low profile and less publicised third party initiatives simply because they are conducted beyond the glare of world or even national publicity (1980:126).

There are two points behind this reasoning. The first is that the parties need to be able to concentrate solely on the task at hand and do not need the distraction of observation. Secondly, and more importantly, the disputants and mediator need latitude to talk frankly and explore options if the mediation is to be successful. If their every move is watched and reported to their constituency, or a wider audience, these actors may become entrapped into positions in order to appear strong and maintain face.[10]

The exception to the need for closed site conditions may be called for when the mediator is engaged in a directive or substantive strategy. Through threatening to publicise the

intransigence, or general lack of cooperation of a particular party, the mediator can use international opinion to gain leverage and hence move that party toward settlement (Forsythe 1976:620).

A second question concerning us when discussing the mediation location is the impartiality of the environment. Fisher argues that the setting of any mediation should not be the "homebase of either party, or biased in some less conspicuous manner" (1981:74). The parties should not feel as though they are entering an environment which is threatening to them, a perception which would be hard to avoid if the mediation takes place in the territory of their enemy, or their enemy's allies. Rather the environment should be a site which is innocuous to all the parties involved, and is under the control of the mediator. Hypothesis Fifteen examines the relationship between the mediation environment and outcome.

Hypothesis Fifteen:

> H15. Mediation which takes place in a neutral environment will be more likely to succeed than if it takes place in an environment which is biased against any of the disputant parties.

Conclusion: Mediation Strategy

Discussing the most productive manner in which mediators can promote the settlement of disputes, Harbottle writes that there is a need for:

> ... flexibility, whereby changing conflict situations can be matched by changing remedies (1980:129).

This is the key consideration where mediation strategy is concerned, and its impact on the outcome of any mediation depends to a large degree on the skill with which it is used. Overall it may not be as important as the conflict variables to the nature of the outcome, but through being at the interface between the behaviour of the mediator and the conflict, it deserves careful attention.

Conclusion

Discussing the mediation variables completes our picture of bivariate analysis of the determinants of mediation outcome. Ott's opinion that "the characteristics and tactics of the mediator are a marginal factor..." (1972:597) is not an excuse to ignore the impact these variables have on the outcome of mediation. The mediator, in conjunction with his or her skill, experience and motivation, views a conflict and the disputant parties, and applies a mediation strategy designed to produce settlement. Thus the mediation variables, however much their importance is questioned, do fill two links in the chain to outcome. Indeed this discussion has produced a number of hypotheses that suggest that these links are integral parts to the make-up of what that outcome will be.

Endnotes

1. Individuals mediating international conflict without any constituency are extremely rare. Even those individuals who may mediate representing no nation or organisation are likely to be treated by implication as having a constituency through nationality or past association.

2. For example Frei found that even when there were tensions between the mediator and both parties, there was still almost a 50% chance the mediation would be successful (1976:81). This emphasises that it is not crucial for the mediator to have a positive relationship with the parties, but rather that they understand one another.

3. These resources can be tangible or intangible rewards for the parties. Tangible resources include money and goods, intangible may include international support and favour.

4. The concept of mediator power does not typically refer to the personal power and prestige of an individual mediator, but rather to that of the organisation or state they represent. (See Frei 1976:79).

5. Frei suggests that this figure can partially be explained because international organisations may often mediate the "harder" disputes. He writes:

> Individual states probably tend to avoid touchy

> mediation initiatives precisely *because* they do not wish to experience a failure, whereas international organisations often act as mediators precisely *because* no individual state wished to do so, and precisely because everybody else is perplexed and helpless (1976:79).

6. The term "state size" does not simply refer to total geographic territory. Rather size and power are congruent terms, calculated for a state according to a number of traditional indicators: military expenditure, population, territory, G.N.P., and G.N.P. per capita.

7. Further to directive and substantive interventions, Bercovitch, Anagnoson and Wille add a final classification of a supervisory action by the mediator. However, because of the extreme infrequency of this strategy being employed, (in only one instance in the data), we need not dwell on this mediator role.

8. While we are not concerned here with the so called "Problem- Solving Approach" (as discussed in Chapter Two), it is worth noting some of the ideas accruing from this body of thought on the place of different strategies. For example Burton believes that apart from some agenda control, communication/facilitation strategies should be the extent of the mediator's repertoire. He argues strongly that a mediator should never suggest a solution, and certainly never pressure them towards accepting it. This is because:

> It is only the parties that can arrive at solutions, and the mediator should never prejudice his position by suggesting them (1972a:7).

9. Because we define mediation success in terms of reaching a settlement, we need go no further with this. However, there have been doubts expressed as to the longevity of settlements reached by the mediator using directive or substantive strategies (Carnevale, Lim and McLaughlin 1989:237; Kressel and Pruitt 1985:194). Rubin writes:

> ... a third party who wishes to facilitate immediate (if short term) resolution of conflict should probably exercise as much power to impose agreement as possible; a third party who wishes to pave the way for a more long-lasting agreement should probably make use as of little power as is absolutely necessary in order to induce the disputants to resolve their conflict (1981:40)

10. This does not include the need to offer some information to the outside world. However, this is at the mediator's discretion, who must judge the costs in relation to the benefits of keeping public attention informed of the progress of the mediation (Brouillet 1988:172).

Chapter Five:

Exploring the Bivariate Model

Introduction

The fifteen hypotheses developed in the previous chapters represent a review of what the literature suggests are the factors and conditions which determine the outcome of international mediation. As such, they stand as important and useful precepts in their own right. However, through the methodology of systematic empirical techniques (as described in Chapter One), we can now examine these theoretical notions against a comprehensive correlates of mediation, drawn from incidences of this form of conflict management.

The purpose of Chapter Five is to examine the results of the empirical tests on both the conflict and mediation variables of the bivariate model. However, rather than structure the discussion around these four variables, this chapter will look in turn at each of the fifteen hypotheses developed in the previous two chapters, placing the findings back into the model at the conclusion of the discussion.

In the interests of highlighting the individual effects of the independent variables on mediation outcome, the outcome value has

been collapsed into a simple dichotomy of success and failure. Consequently, success in this empirical analysis refers to any outcome which provides a ceasefire, a partial settlement, or the full settlement of a dispute. Failure remains defined as occurring when the end of the mediation sees the resumption or escalation of the hostilities.

An Empirical Analysis of the Factors and Conditions which Determine Mediation Outcome

Hypothesis One

> H1.A. Security disputes will be most amenable to successful mediation, followed by territory, then ideology, and finally independence.
> H1.B. The more issues in a dispute, the less chance of mediation being successful.

Table 5.1: Mediation Outcome by Primary Issue

	Security (n=33)	Territory (n=164)	Independence (n=74)	Ideology (n=6)
Success(%)	30	29	20	17
Failure(%)	70	71	80	83

X^2=2.642, DF=3, p=0.45

Table 5.1 demonstrates that we are unable to provide statistically significant findings to support the premise of Hypothesis One. While there is some variation in the level of success attained according to the primary issue in a dispute, it

is too slight to draw any real conclusions. Even the statement that ideological disputes will be the least likely to be mediated successfully is tenuous, given the small number of cases in that category (n=6). Perhaps the strongest observation we can make from this analysis is that there appears to be some difference in the success rate between the tangible issues of security and territory, compared to the intangible issues of independence and ideology.[1] Given the null finding concerning the first part of Hypothesis One, it is worthwhile exploring the factor of issues further to ascertain how it may impact on outcome.

Analysing a simple split of the issue spectrum into tangible and intangible issues fails to provide a significant result. As Table 5.2 demonstrates there is some variation between success rates, with tangible issues 10% more likely to be successfully mediated. However, as the statistics show, this cannot be considered significant.

Table 5.2: Mediation Outcome by the Nature of the Issue

	tangible issue (n=197)	intangible issue (n=80)
Success(%)	30	20
Failure(%)	70	80

X^2=2.131, DF=1, p=0.11

The preceding analysis fails to find any statistically valid support for the assertions by Bercovitch (1986), Butterworth (1976), and Frei (1976) that there is a significant variation in the success rate when different issues are mediated. While there

are indications that differences do exist, the spread is not sufficient to make any assumptions or conclusions considering their importance.

Turning away from the type of issue in dispute, the focus shifts to the second part of Hypothesis One: how the number of issues, or complexity of the dispute, affects mediation outcome. The results of this analysis are presented in Table 5.3.

Table 5.3: Mediation Outcome by Complexity

	Three + Issues (n=102)	Two Issues (n=161)	One Issue (n=25)
Success(%)	16	33	48
Failure(%)	84	67	52

X^2=14.523, DF=2, p=<0.001

As Table 5.3 demonstrates, there is certainly a significant relationship between the number of issues, or complexity of a dispute, and the outcome. In simple conflicts where there was only one issue, a high 48% were mediated successfully. However, for complex disputes with three or more issues, the chance of success fell to a low 16%. Furthermore, as suspected, only 9% of the conflicts were single issue disputes, while 36% were highly complex with three or more issues. This result emphasises the importance of the mediator's job to try and simplify the complexity of disputes if he or she wants to promote the chance of successful mediation. For example, measures such as dividing the issues into individual topics for discussion to be dealt with one at a time (perhaps with the tangible issues first to promote

encouraging progress), are likely to enhance the chance of successful mediation in more complex disputes.

This finding that the complexity of the dispute has a highly significant impact on whether it will be mediated successfully is a notable result as it represents analysis previously unexplored in empirical mediation research. The experience with Hypothesis One suggests that it is the number of issues, rather than the type of issues which will have the most significant impact on mediation outcome.

Hypothesis Two

> H2. A. High intensity disputes will attract more mediation attempts than those with a low intensity;
>
> H2. B. Low intensity disputes will be mediated more successfully than high intensity disputes.

Examining the relationship between the intensity of the conflict, and either the number of mediation attempts, or the outcome of the mediation, provides no statistically significant results. However, rather than automatically concluding that such contextual details are unimportant to understand mediation outcome, it is prudent to return to the basis for the intensity measurement. Intensity was developed in Chapter Three as a means to combine the elements of conflict fatalities and dispute duration, and as such to provide a more sophisticated and descriptive measurement of these contextual factors. The intensity index was constructed through dividing the number of

fatalities by the number of months the conflict was in progress. However, it could be that this in itself has distorted any relationships that existed between the mediation outcome and the traditionally used measurement of fatalities (For example see Bercovitch 1986, Klingberg 1966). Table 5.4 represents the results of the relationship between fatalities and the number of previous mediation attempts, demonstrating that this suspicion may be correct. The strong statistical relationship portrays the general trend that the larger the number of fatalities, the more mediation attempts there will be.

Table 5.4: Previous Mediation Attempts by Fatalities

	100-500 (n=36)	501-1000 (n=61)	1001-5000 (n=58)	5000+ (n=209)
Zero(%)	33	25	17	14
1-2(%)	56	25	26	23
3-4(%)	11	15	22	20
5+(%)	-	35	35	43

X^2=37.311, DF=9, p<0.0005

Similarly, the relationship between fatalities and the outcome of mediation is a particularly strong one. Table 5.5 demonstrates that conflicts with less than 500 fatalities will have at least a 41% better chance of being mediated successfully than conflicts with over 500 fatalities.

Table 5.5: Mediation Outcome by Fatalities

	Up to 500 (n=29)	501-1000 (n=47)	1001-5000 (n=45)	5000+ (n=167)
Success(%)	69	28	24	22
Failure(%)	31	72	76	78

X^2=27.179, DF=3, p<0.0005

Although these findings have rejected the more sophisticated value of conflict intensity in favour of the simpler fatalities measurement, the essence of Hypothesis Two has been confirmed. The disagreement between the theorists that characterised the theoretical discussion of Hypothesis Two can now be at least partially explained by the fact that while more lethal (or "intense") conflicts certainly do have more mediation *attempts*, it is unlikely that these attempts will be successful.

Hypothesis Three

> H3. Mediation will be unlikely to succeed if initiated too early in the conflict, (defined as up to 24 months), or even prior to the advent of physical force. However, it is also unlikely that conflicts that have been in progress for a protracted period will be successfully mediated (for example, over 36 months).

Table 5.6: Mediation Outcome by Timing of Intervention

	up to 24 months (n=139)	25-36 months (n=18)	36+ months (n=131)
Success(%)	32	39	23
Failure(%)	68	61	77

X^2=3.657, DF=2, p=0.16

As Table 5.6 reveals, there is no statistically significant relationship between the timing of the mediation in the conflict history, and the outcome of that mediation. There is some variation in the success rate according to the timing of the mediation which on face value supports the hypothesis, however given the unconvincing statistics it is tenuous to over-emphasise this.

While all the theorists agree that mediation should take place at a "propitious moment" (Touval 1982:8-9) it seems that we are still some distance from being able to satisfactorily confirm when that moment will be. Indeed on the basis of these results here, some strength is given to the argument that there is no universal rule as to the time when mediation will be most successful. Further research into the construction of a more sophisticated measurement of the right moment for mediation to be initiated may reveal a predicative relationship between timing and successful outcome, but for this study the conclusion must be that there is no significant support for Hypothesis Three.

Hypothesis Four

> H4. Disputes between parties that experience little internal opposition, will be more amenable to successful mediation than those with strong internal opposition.

In order to measure the internal division of the parties, a homogeneity scale which measured each party along the lines of

religion, language and race was devised (see Appendix One). As demonstrated by Table 5.7, there is clearly a significant relationship between the internal homogeneity of the protagonists, and the outcome of mediation.

Table 5.7: Mediation Outcome by Homogeneity

	Both Homog. (n=60)	One Homog. (n=94)	Neither Homog. (n=134)
Success(%)	47	26	22
Failure(%)	53	74	78

X^2=13.303, DF=2, p<0.001

Interestingly the major cleavage is between the situation when both parties are homogeneous, and the situation when one or neither is. It takes both parties to reach a successful outcome, and when one of the parties is faced with internal opposition, or does not have the freedom to make a decision on behalf of all constituents, the result in outcome terms is almost as unsuccessful as if neither party is homogeneous.

Hypothesis Five

> H5. The more powerful the disputant parties, the less likely it is the dispute will be successfully mediated.

Hypothesis Five is a means of assessing the relationship between the total power present in the mediation relationship, and how this affects the mediation outcome. The power of the disputant

parties was quantified according to a scale which measured each party's GNP, GNP per capita, military spending, territorial size, and population (see Appendix One). Based on a scale developed by Cox and Jacobson (1973), the power index score for a party is calculated by adding its scores from each of the five measures. For the purposes of Hypothesis Five, the measurements for the disputants were then cumulatively added.

Unfortunately, as Table 5.8 demonstrates, an empirical analysis of this hypothesis provides no significant relationship between a powerful mediation and mediation failure.

Table 5.8: Mediation Outcome by Total Power of Disputants

	Weak Med. (n=56)	Moderate Med. (n=116)	Strong Med. (n=116)
Success(%)	31	31	23
Failure(%)	69	69	77

X^2=2.230, DF=2, p=0.32

There is little variation in the success rate whether the parties total power is large, medium or small. The conclusion must be that it is more likely that power is important as a factor when measured in ways other than simply the overall power in existence at the mediation table. The results of Hypotheses Seven, Eleven, and Twelve, where we examine the power disparity between the parties, and the power of the mediator, should be examined bearing in mind the conclusions accruing from this result.

Hypothesis Six

H6. Multilateral conflicts will be less successfully mediated than bilateral conflicts.

Table 5.9: Mediation Outcome by Number of Parties

	Two Party Conflict (n=73)	Multi Party Conflict (n=107)
Success(%)	34	28
Failure(%)	66	72

X^2=0.788, DF=1, p=0.38

Despite the theoretical support for this notion, the results of the empirical analysis, portrayed in Table 5.9, revealed no statistically significant difference in the outcome achieved if there were two, or multiple protagonists in the dispute. This suggests that even though a multilateral conflict will have more actors, and hence more dimensions which need to be assessed, this in itself has no direct bearing on whether or not the mediation will be a success.

Hypothesis Seven

H7. The more unequal in power the disputant parties, the less likely mediation will be successful.

As Table 5.10 demonstrates, there is a clear relationship between a nil power disparity between the parties, and mediation success. This significant result reflects the widespread agreement in the literature that a high power disparity is a serious impediment

to effective mediation (For example see Frei [1976:76], Moore [1986:34], Ott [1972:599]).

Table 5.10: Mediation Outcome by Power Disparity

	No Disparity (n=55)	Low/Mid Disparity (n=186)	High Disparity (n=47)
Success(%)	38	29	15
Failure(%)	62	71	85

X^2=6.835, DF=2, p=0.032

With regard to the experience of Hypothesis Five, it is clear that power, as a dimension of the characteristics of the parties, is relevant not as a total concept, but rather as a relative concept. In addition to enhancing the role of the mediator, power parity will convince the parties they have no real reason to expect to win the conflict outright should the mediation fail and hostilities recommence. With regard to the mediator's role, this has important repercussions. Through the use of resources and sanctions, the mediator can work to build power parity when it may not originally exist, and hence facilitate the chances of successful mediation. This idea connects with the questions of mediator identity and power, which will be specifically discussed in Hypotheses Ten and Eleven.

Hypothesis Eight

> H8. Disputes involving parties with a positive previous relationship will be more likely to be successfully mediated than disputes involving parties with a negative previous relationship.

Theoretically, the relationship between a positive previous relationship and mediation success is a particularly strong one. We would expect that parties that had a common history of friendship and interdependence would be willing to talk, explore options, and compromise in order to preserve a relationship they valued. Similarly trust, which Young reminds us is crucial to the implementation of settlement (1972:58), will be much more in evidence when the parties have had positive previous experiences with each other.

Table 5.11: Mediation Outcome by Previous Relationship

	Friendly (n=8)	Antagonism (n=109)	Conflict (n=70)	Prev. Disputes (n=101)
Success(%)	88	27	29	25
Failure(%)	12	73	71	75

X^2=14.651, DF=3, p<0.002

The empirical results strongly support this theoretical hypothesis. As portrayed by Table 5.11, there is a very large difference in the rate of success achieved between those conflicts when the protagonists have had positive previous relationships, and when they have had negative previous relationships. It should be noted that there are very few cases in which parties with previously friendly relations become involved in a conflict (n=8). This is commonsense; typically friends will manage a dispute peacefully before it escalates to the stage of armed force. Similarly, we can expect that if the dispute does degenerate into overt conflict, the parties will be likely to accept a mediation case, and to make considerable

effort to return to a positive relationship. Consequently, conflicts between parties with previously friendly relations should be viewed as something of a special case, where we can expect there will be an excellent chance that a mediation in this situation will succeed.

Beyond this, it is interesting to note that there is little variation in success rate accruing from what level of negative relationship had existed. Previous antagonism is just as likely to result in unsuccessful mediation as previous overt conflict. The repercussions of this are significant, for it suggests that once a precedence for even a mildly negative relationship has been established, it is unlikely that mediation will be successful at any time in the future. Given the strong statistical significance of this relationship, and the fact that most international conflicts are between parties with negative previous relationships (97% of the n) this conclusion is a sobering one.

Hypothesis Nine

> H9. An experienced mediator will be more successful than an inexperienced mediator in settling disputes.

The only index available to test this hypothesis is one which examines how many times a specific mediator has previously mediated a specific conflict. Consequently, experience in a more general sense is replaced with how the mediator's knowledge and experience of a particular dispute affects his or her ability to

mediate it successfully. This is not entirely satisfactory, although the essence of the hypothesised connection between experience and success certainly remains. In any event, the results in Table 5.12 indicate a statistically insignificant relationship between this factor and outcome.

Table 5.12: Mediation Outcome by Mediator's Experience This Conflict

	None (n=197)	1-2 attempts (n=73)	3-4 attempts (n=13)	5+ attempts (n=5)
Success(%)	26	34	23	20
Failure(%)	74	66	77	80

X^2=1.972, DF=3, p=0.58

While there is some evidence to suggest that mediation may be more successful if the mediator has been previously engaged on one or two occasions, there is certainly no support for the premise of the hypothesis. On the strength of this, we can conclude that it makes little difference to the success rate of the mediation whether the mediator has had no previous attempts at mediating the conflict, or many.

A second conclusion is to note the usefulness of building an index which can more comprehensively test the question of mediator experience and skill in a systematic and empirical manner. While some of this measurement may have to be somewhat subjective in nature, it remains an area rich in theoretical literature, but with no substantive systematic empirical evidence.

Hypothesis Ten

> H10. When both the disputant parties have gained understanding of the mediator through a positive previous relationship, mediation will be more successful than if only one party has this understanding, or neither has.

This hypothesis represents the mediator dimension to the previous relationship question. With Hypothesis Eight the findings confirmed the importance of a positive previous relationship between the parties for successful mediation, now the concern shifts to the relationship that existed prior to the mediation between the parties and the mediator. These findings are represented in Table 5.13.

Table 5.13: Mediation Outcome by the Parties' Previous Relationship with the Mediator

	No Previous (n=121)	Different Bloc (n=21)	Same Bloc as One (n=88)	Same Bloc as Both (n=49)	Mixed (n=9)
Success(%)	24	29	22	45	56
Failure(%)	76	71	78	55	44

X^2=13.065, DF=4, p=0.013

To examine Hypothesis Ten, the data was coded according to five different categories. No previous relations is self explanatory, and in practice typically referred to obscure mediators from regional and international organisations. The categories of blocs were taken from the situation which emerged in the international system following the Second World War, with The Western Alliance, The Soviet Bloc, and the Unaligned Movement. The Mixed category

refers to more specialized situations within other categories, for example a conflict fought between, and mediated by, exclusively Arab or African states.

The results indicate a number of conclusions which can be made pertaining to the previous relationship between the mediator and the parties. Perhaps the strongest finding is the clear distinction in success rate between the situation when there are mixed relationships or both parties are in the same bloc as the mediator, and the other alternatives. This supports the hypothesis that it is important for the parties to have knowledge of the mediator, for the mediation to be successful. When the diametrically opposed situation to this exists and there has been no previous relationship, the chance of success is drastically reduced.

Frei's (1976:80-81) finding that mediation is unlikely to succeed when the previous relationship is unequal (with only one party having previous knowledge of the mediator) also receives some support from these results, with this situation representing the least likely previous relationship to lead to a successful mediation. However, this should not be over-stated, given that there is only a slight difference between this figure and the level of success achieved when there is no previous relationship between the parties and the mediator.

It should be remembered that the situation where the previous relationship between the mediator and the parties is unbalanced

does not constitute the same situation as mediator bias. The mediator may have a preference for either a particular settlement option or a particular party, whether all the actors are in the same bloc, have no previous relationship, or are in different blocs. The problem is that mediator bias is virtually impossible to objectively quantify, and as such the theoretical argument that it will not undermine the path to successful mediation must stand (For example see Bercovitch [1984:112]; Touval [1982:16]).

Hypothesis Eleven

H11. States will be more successful than international organisations at mediating conflicts.

Figure 5.14: Mediation Outcome by Mediator Identity

	int. organisation (n=100)	state (n=140)
Success(%)	19	31
Failure(%)	81	69

X^2=3.589, DF=1, p=0.059

Figure 5.14 shows that although there is a considerable variation in the mediation success rate achieved by international organisations compared to states, unfortunately the results narrowly fall short of statistical significance. Perhaps the most interesting observation is the very low level of success achieved by international organisations. This result can be understood

if we remember Frei's contention that the low success rate of international organisations can be attributed in part to the type of disputes they mediate. He argues that while states may often have the luxury of choosing whether or not to mediate, international organisations may feel duty bound to mediate particularly complex disputes no one else will consider (1976:79).

Hypothesis Twelve

> H12. The greater the size of a state, the more successful they will be at mediating disputes.

The question of mediator size or power was calculated according to the same list of scales used to determine party power, and was then divided into a simple dichotomy of small or large state mediators. The results of this measurement crosstabulated with outcome is shown in Table 5.15.

Table 5.15: Mediation Outcome by Mediator Size

	small state (n=43)	large state (97)
Success(%)	37	28
Failure(%)	63	72

X^2=1.208, DF=1, p=0.27

Clearly, there is no significant relationship between the size of a state, and mediation outcome. Interestingly, what variation

there is in success rate is contradictory to the premise of Hypothesis Twelve, although there is no reason to emphasise this, given the weak statistics. The conclusion must be that the size of a state acting as a mediator does not influence the incidence of successful mediation.

Given this null result concerning Hypothesis Twelve, it is worth considering whether there is another dimension along which a state mediator's influence on outcome can be understood. Hypothesis Twelve only takes into account the power of the state which the mediator represents. Staying with the concept of mediator power, but turning to the position of the individual mediator, rather than the state they represent, we explore the concept of mediator *rank*. Theoretically, we would imagine that the greater the status, authority and power the mediator has from his or her own constituency, then the more successful they will be. A mediator possessing high rank would receive more respect from the parties, and would be more authoritative in using different tactics and strategies. This connection between high rank and mediation success is confirmed by the analysis portrayed in Table 5.16.

Table 5.16: Mediation Outcome by Mediator Rank

	state representative (110)	state leader (30)
Success(%)	26	47
Failure(%)	74	53

X^2=4.346, DF=1, p=0.037

The question of how mediator power influences outcome is best understood, it seems, in terms of the rank of an individual mediator, rather than the size of the state they represent. Table 5.16 demonstrates that when the mediator is the leader of a state, they have a 21% better chance of producing a successful outcome than when the mediator is simply the representative of a state. This implies that it is the authoritative individuals who lead states of any size who should be seen as ideal mediators in the international system. Mediator power is important, but should be measured on the basis of individual rank, rather than on the grounds of representation.

Hypothesis Thirteen

> H13. A. Mediation initiated by the mediator will have less chance of success than if it is initiated by the parties in the dispute.
> H13. B. Mediation initiated by the mediator will have a better chance of success than if it is initiated by one party.

Table 5.17: Mediation Outcome by Identity of Initiator

	One Party (n=18)	Both Parties (n=20)	Mediator (n=119)
Success(%)	28	35	28
Failure(%)	72	65	72

X^2=0.450, DF=2, p=0.80

As Table 5.17 demonstrates, examining the relationship between mediation initiation and mediation outcome reveals little empirical support for Hypothesis Thirteen. It is clear that it makes negligible difference whether the mediation is initiated

by one or all of the parties, or if it is initiated by the mediator. Although the hypothesis was contradicted, this result is satisfactory because it establishes a precedent in an area where the mediation literature had little to say. It also suggests that once the mediation is established and in progress, details such as who initiated the event become insignificant to the nature of the outcome. We can suppose that if the identity of the initiator was a hurdle to successful mediation it would operate to quash the mediation before it even began, rather than causing the unsuccessful conclusion to a progressing mediation.

Hypothesis Fourteen

> H14. Strategies involving a high level of mediator intervention are more likely to produce a successful outcome than those of a low intervention level.

There is a significant relationship between the strategy employed by the mediator and the level of success achieved. As suggested by the theoretical literature, low intervention mediation strategies are the least successful (18% of cases mediated using communicative or facilitative strategies are successful), and high intervention the most successful (in 36% of cases where directive strategies were used). The full range of results is presented in Table 5.18.

Table 5.18: Mediation Outcome by Mediation Strategy

	Comm/Facilitative (n=115)	Procedural (n=47)	Directive (n=116)
Success(%)	18	26	39
Failure(%)	82	74	61

X^2=12.240, DF=2, p<0.002

This finding should be viewed in the light of the results of Hypotheses Eleven and Twelve. The more successful directive strategies need a mediator who has power, both in terms of resources and prestige, in order to be implemented. We begin to get a picture of successful mediation as a scenario of power politics, with power being used as a commodity to persuade, influence and balance the parties in dispute. The conclusion which stems from this analysis is that if we want the success rate of international mediation enhanced, then mediators must use more directive strategies, which in turn may entail more involvement by powerful actors in the mediatory role, and more resources to be used as incentives for parties to settle.

Hypothesis Fifteen

> H15. Mediation which takes place in a neutral environment will be more likely to succeed than if it takes place in an environment which is biased against any of the disputant parties.

The venue at which the mediation occurs represents the final factor to be tested in the bivariate analysis. The results of this analysis are represented in Table 5.19.

Table 5.19: Mediation Outcome by Environment

	Party A/Party B Territory (n=44)	Mediator's (n=33)	Neutral (n=76)	Composite (n=123)
Success(%)	18	52	41	20
Failure(%)	82	48	59	80

X^2=21.140, DF=3, p<0.0005

There is a particularly significant relationship between the nature of the environment in which the mediation occurs and the outcome of that mediation. As the results demonstrate, mediation which takes place in a biased or composite (a combination of the different parties, and possibly other actors' territories) location has a considerably less chance of being mediated successfully than if it takes place in a neutral, or mediator controlled environment.[2]

This suggests that mediators should make every effort to base the mediation away from the territory controlled by the protagonists, and find either a completely unbiased environment, or preferably, facilitate the mediation taking place in territory under his or her control. Unfortunately, it seems that a large proportion of mediation cases take place in either biased or composite arenas (64% of n), a fact which will obviously seriously compromise the chances for a successful mediation episode.

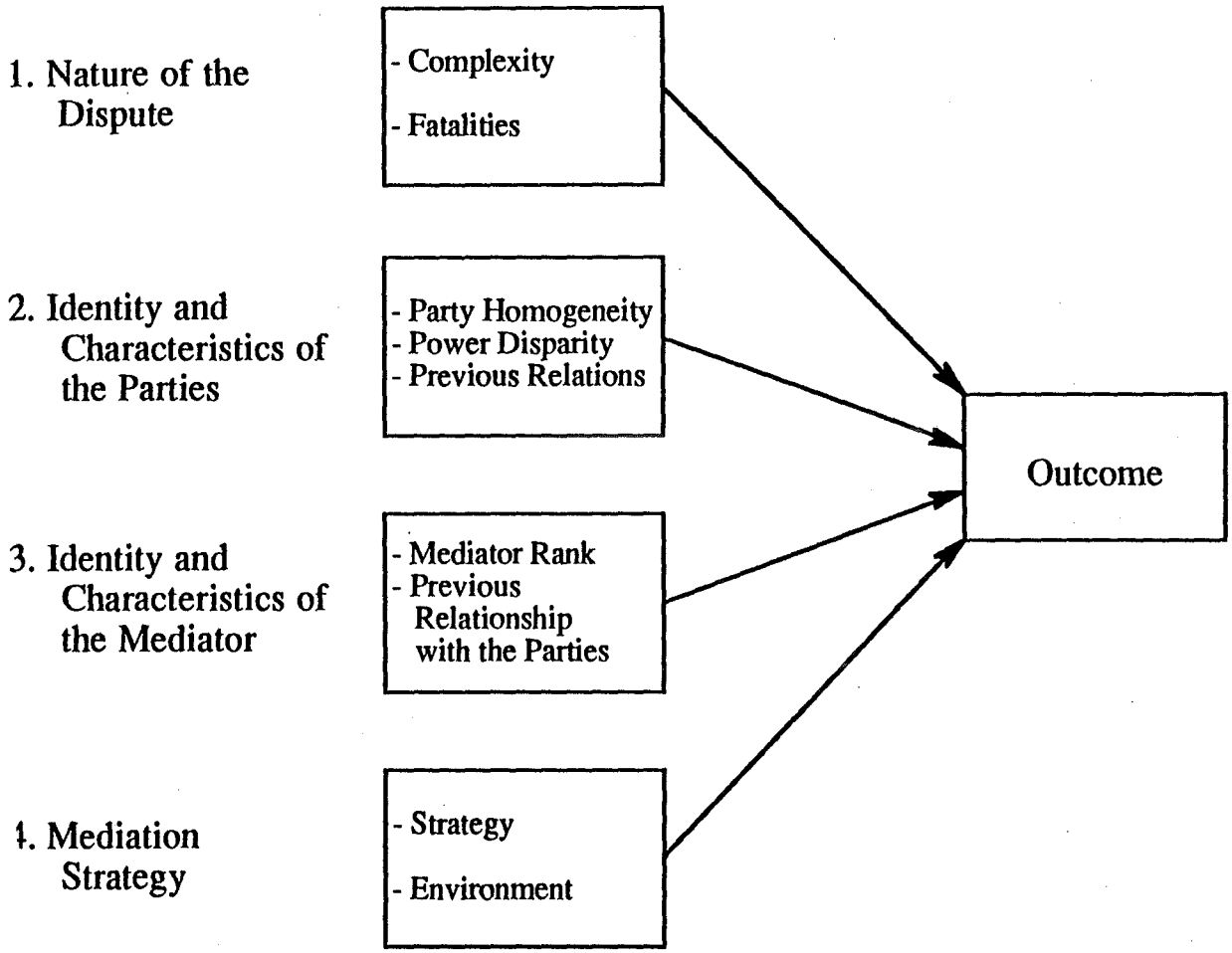
Conclusion

Having tested the fifteen hypotheses, we have now progressed to the stage where some meaningful conclusions can be drawn as to what the most important direct determinants of mediation outcome are. The word *direct* is used to signify that these results only reflect bivariate observations, and refer to the singular and asymmetric influence that each of the examined factors have on outcome.

Within the variable of the nature of the dispute, the factors which have a direct influence on outcome are the complexity of the dispute, and the level of fatalities that have occurred in the conflict. With regard to the identity and characteristics of the parties, these factors are the homogeneity of the parties, the power disparity that exists between them, and the nature of their previous relations.

Examining the mediation variables, we find that where the identity and characteristics of the mediator are concerned, the important factors are the rank of the mediator, and the previous relationship between the mediator and the parties. Finally, within the mediation strategy variable, both the factors of mediation strategy and mediation environment had a significant direct influence on the outcome of mediation. These results are schematically summarised in Figure 5.1.

Figure 5.1: A Model of the Determinants of Mediation Outcome.



We have now progressed some distance from the discussion of Chapters One and Two which sought to install some theoretical structure on the complexity of the mediation relationship. As well as being able to divide the different factors under four variable headings, we can now see which of those factors are influential in determining the nature of the outcome. This has also produced a degree of predictive ability to our understanding of mediation.

Mediation is most likely to produce a successful outcome when the following conditions are meet: (a) When the conflict is not complex (for example one rather than multiple issues); (b) When there have been less than 500 fatalities in the dispute; (c) When both the protagonists are homogeneous in nature; (d) When there is no power disparity between the parties; (e) When the parties have enjoyed friendly previous relations; (f) When the mediator is the leader of a state; (g) When the parties and the mediator have had previous relations; (h) When the mediator uses high intervention level strategies (for example directive strategies); and (i) When the mediation is sited at a venue which is either neutral, or is completely under the mediator's control.

Naturally we would not expect any mediation relationship to completely fulfil all these conditions. In conjunction they represent the ultimate in terms of likelihood of mediation success. In reality it would be expected that a particular mediation situation will meet some of these criteria in full, some in part, and some not at all. This leads to the consideration of which variables will be most important in determining the nature of the outcome, a question which the bivariate analysis is unable to answer. Furthermore, there is the consideration of how the above variables, and indeed those variables which do not have a direct influence on outcome, interact. We have seen that some factors have direct significance to outcome, and some do not. Now it is time to discover the way different factors influence each other in the creation of an outcome, and which are the principal players in this interaction.

Endnotes

1. Separating the issues into tangible or intangible classifications is consistent with the approach of Moore who makes the distinction between "Consensual or Interest-Based Conflict," and "Dissensual or Value-Based Conflict" (1986:174).

2. Because the environment of the mediation is a factor which is one of the last variables to be decided before a mediation outcome is produced, we should be aware of the problems of causality associated with it. For example it may be that a conflict which meets many of the other conditions associated with success from the nature of the dispute and identity and characteristics of the parties variables, will be far more likely to choose a neutral environment for their mediation. In this case the success of the mediation is associated to a much greater extent with these earlier factors rather than the factor of mediation environment, which was only a small part of determining success. This problem of causality is indicative of the nature of bivariate analysis, which by definition looks exclusively at the relationship of only two variables, excluding all other influences. It is this fact which gives the imperative to the more complex multivariate analysis of Chapter Six.

Chapter Six:

A Multivariate Understanding

of Mediation Outcome

Introduction

Bivariate analysis has its limitations. Although it is crucial to determine the individual impact of a factor on the outcome of a mediation, there is a degree of artificiality in such isolation. In reality, the mediation scenario is a series of interwoven relationships, with many of the factors isolated for the sake of bivariate analysis actually relating to each other, in the process of contributing to the nature of the outcome.

We need to discover a means by which to represent, and empirically examine, the interactive effects which represent the mediation relationship. This takes mediation research into unchartered territory, as in the mediation literature multivariate analysis is notable only for its virtual non-existence. Nevertheless, several authors have mentioned the need for this advance to be made. Wall (1981:171-2) describes the need for researchers to test the combination of different factors within the particular variable of mediation strategy. On a more general level, the undertaking to examine the relationship between different variables in the mediation scenario, and the

consequent impact on outcome, can be seen as a response to Frei's admission that the results of his empirical study:

> ... refer to bivariate observations only; no doubt a multivariate approach might considerably refine these findings (1976:82).

Therefore, the task is clear; to build and to examine empirically a model which represents the interactive relationship between the central determinants of mediation outcome, and the outcome itself.

This model will be built through a two-phase process. The first step is to examine the interactive effect amongst the factors of each of the individual four variables which order our understanding of the mediation relationship. This *intra-variable* analysis will discover how the different factors which describe for example, the nature of the dispute, interact to determine the effect that particular variable has on the mediation outcome.

Within this analysis, there are two particular effects which influence mediation outcome. The first are direct effects which refer to a single link between a particular factor and outcome. These are similar to the bivariate links, except that with multivariate analysis, all the other factors are simultaneously being taken into account. The second effect is an indirect effect, which is when a factor contributes to the nature of another factor, which in turn has a direct relationship with the mediation outcome. Thus there are two or more steps between the factor and mediation outcome.

It is important to note here that this analysis will include *all* the factors which were derived as being theoretically important in Chapters Three and Four. Although not all of these were significant in the bivariate analysis, it could be that they have important indirect effects by operating through other factors to contribute to the form of the mediation outcome. The crosstabular exercises which constituted the bivariate analysis simply determine the relationship between the independent variable and the dependent variable, to the exclusion of everything else. With the empirical techniques of multivariate analysis, the significance of all the factors are simultaneously included in every relationship, a fact which alters the picture considerably. Some variables which were significant to outcome when isolated in bivariate analysis may become less important with a multivariate calculation, while others which were previously insignificant may be included in important indirect relationships with outcome.

The second phase of multivariate analysis is to determine the interaction between all the four different variables. This can be described as *inter-variable* analysis. This step seeks to draw out the most significant interactions in the mediation relationship, demonstrating how the key factors from across the entire mediation scenario interact to determine the mediation outcome. However, before this two-step process can begin, it is important to understand the statistical procedure which will be employed in this analysis.

Methodology of Multivariate Analysis

The statistical technique necessary for multivariate analysis is one which will allow us to examine the relationship between a dependent variable (mediation outcome) and independent variables, when the data employed is nominal or ordinal in nature. Because the mediation correlates which form the empirical base for this research are a mixture of nominal and ordinal data, traditional methods of multivariate analysis such as multiple linear regression (which requires at least some of the data to be interval, or rank ordered with numerical precision) are inappropriate for use (Reynolds 1977:57).

The statistical technique which will allow categorical data analysis of nominal and ordinal level variables is a method known as log-linear modelling. While it is inappropriate here to enter into an in depth discussion of the numerical and statistical theory which underpins this method[1] a basic understanding of how it operates is useful.

In the simplest terms, log-linear analysis examines the relationship between a specified number of factors (called the *parameters*), and calculates which of these factors, and combination of these factors, have the most significant influence in determining the distribution of cases within the data. Each parameter (or factor in our terminology) has specified categories or values which form the alternatives into which the data can fall. When log-linear analysis is employed, it calculates the

likelihood ratio of any case falling into a given combination of the categories.

Within the general technique of log-linear analysis, this study will employ two specific methods in order to discover the intra-variable and inter-variable relationships in the mediation scenario. The first of these is hiloglinear analysis, which is a model building technique to discover the most parsimonious description of the interaction between the specified factors. Initially a simple association test is run, to measure the significance of every full and partial association between the factors. From those associations that are statistically valid, a model is constructed. From this stipulated model the hiloglinear technique will calculate the likelihood ratio of any particular mediation case from the data-set falling into the combination of the categories entailed in the stipulated model. The "goodness of fit" of the model is calculated by hiloglinear comparing how the observed distribution of all the cases matches the distribution predicted by the model. It should be noted that there is no directionality in the hiloglinear model, it simply measures the associations between the parameters, with none specified as either dependent or independent.

The second method to be employed is logit analysis, which builds on the hiloglinear model, but develops it by making one of the parameters a dependent variable to which the other parameters contribute. In the case of this study the specified dependent variable is mediation outcome, and the consequential logit

analysis will test the ability of different models to predict the likelihood of successful mediation. The logit model is different to the hiloglinear model in that it eliminates factors or combinations of factors which do not include the dependent parameter.

For both the hiloglinear and logit models, there are two statistical measurements worth noting. The first of these is the goodness-of-fit (G^2), measured by the likelihood ratio chi-square, which should converge toward zero (Agresti 1990:434). The second measurement is the overall significance (p) of the model, which tends towards 1.

The use of categorical data techniques for building models is a process of combining deductive and inductive research in sequence. From our theoretical understanding of mediation, it is possible to deduce relationships between different factors and conditions in the mediation relationship, and to build these into a theoretically valid multivariate model. The log-log-linear method will then examine this model, and provide statistics concerning its goodness-of-fit and significance. To find the most parsimonious model, different combinations of the parameters may be experimented with, with the best possible model being adopted at the conclusion of the analysis. This expression can then be interpreted theoretically and schematically as the multivariate model of the relationship between the parameters.

The format of the remainder of this chapter is a discussion on empirical analysis of each of the four variables: (a) nature of the dispute, (b) identity and characteristics of the parties, (c) identity and characteristics of the mediator, and (d) mediation strategy. The aim is to develop a logit model for each (which, by implication, entails prior hiloglinear analysis). As the conclusion to this, a logit model will be developed which draws from the logit models from each of the four variables, and as such represents the interaction of the most significant determinants of mediation outcome.

Intra-Variable Multivariate Analysis

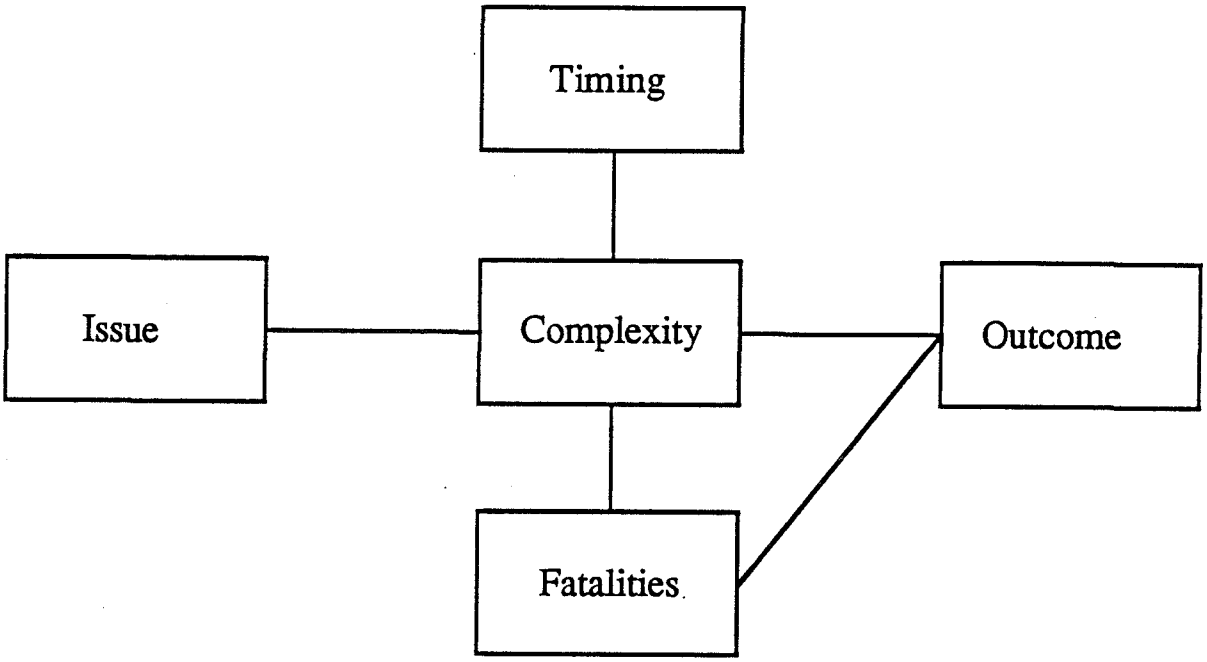
Due to the complexity of the log-linear method, and the extremely large quantity of data which accrues from the employment of these techniques, it is impossible to include all this material in text. Provided here are the schematic interpretations of the hiloglinear and logit models generated, and their G^2 and p values. Further details of how these models were derived are summarised in Appendices Two through Six.

The Nature of the Dispute

The parameters for the variable of dispute nature are: the outcome of the mediation, the nature of the issues in the dispute, the level of fatalities, the timing of the mediation, and the complexity of the conflict (see Appendix Two). The most

parsimonious model generated by the hiloglinear process is represented in Figure 6.1.

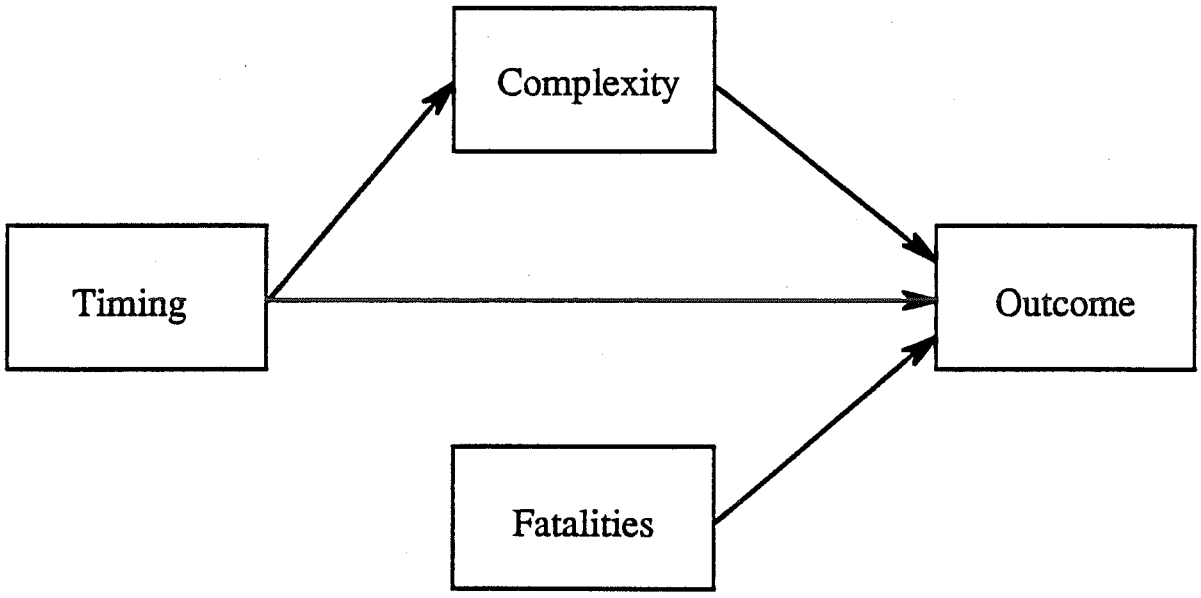
Figure 6.1: Interactive Effects of the Nature of the Dispute



This interactive effects model has a slightly high goodness of fit (G^2=32.097), but an excellent significance reading of p=0.952. Interpreting this model theoretically, we can see that it has considerable descriptive power. The complexity of a conflict plays a central role in the nature of the dispute variable, being important to when the mediation takes place, the number of fatalities, and is obviously connected to what the nature of the primary issue is. We can also theorise that the timing of the mediation will have an effect on the complexity of

the dispute as mediation initiated early would give little time for the issue base to widen. With regard to relationships with outcome, the fatalities and complexities factors have direct relationships, and can be expected to feature prominently in the logit model of the nature of the dispute variable.

Figure 6.2: The Nature of the Dispute Influence on Outcome



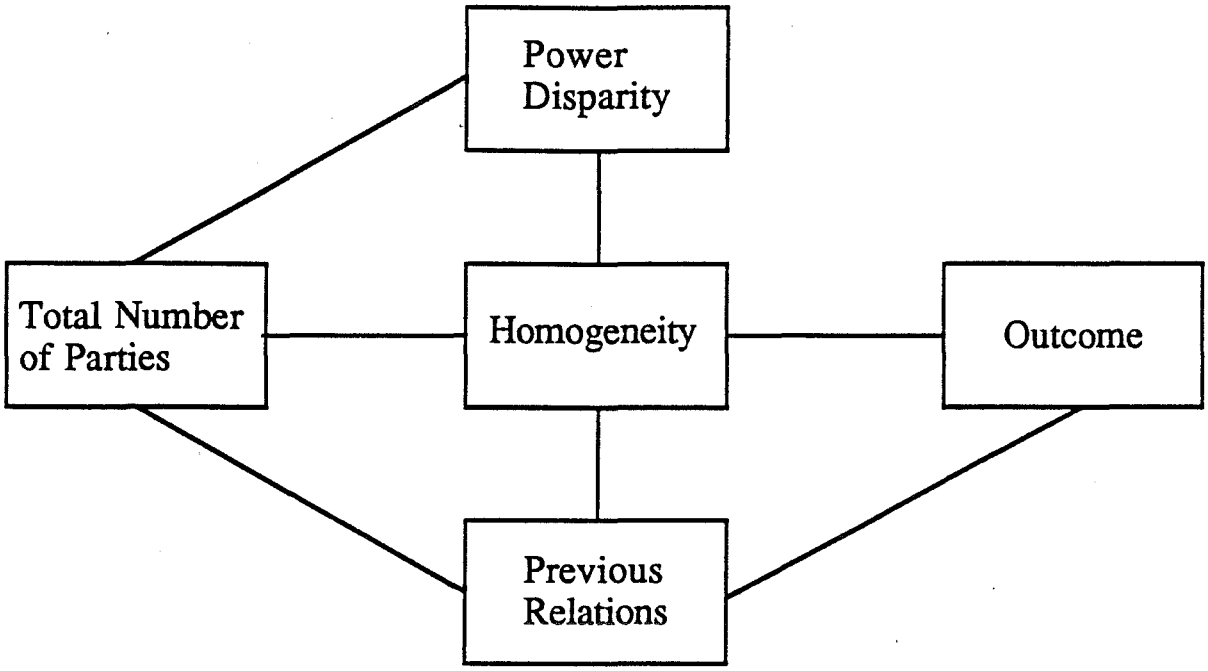
The statistics for this model show an excellent goodness of fit score (G^2=9.210) and a reasonable significance value of p=0.677. Figure 6.2 represents the important influences on outcome from the nature of the dispute, and confirms some of our hypotheses. Fatalities and complexity do have a direct effect on outcome, but they are also joined by timing of the intervention. This demonstrates the importance of running log-linear analysis on the

determinants of outcome, as timing did not show as a significant factor in either the initial bivariate tests, or the interactive effects. The significant indirect effect of duration on complexity confirms that the number of issues will be affected by how early or late the mediation takes place. For example, a territorial conflict which has been fought for a protracted period is likely to have moved on from being a single issue dispute over territory, and will have developed an ideological slant as the parties begin to polarise into close-knit groups and stereotype their opponents. The empirical finding leads to the conclusion that mediation success, which is enhanced when the dispute is simple, will obviously be enhanced further when mediation is initiated at a certain point in the dispute when complexity will be minimised. Although the bivariate analysis failed to provide significant statistics on this, there was some indication that some period after 24 months of the dispute would be optimum.

The Identity and Characteristics of the Parties

The parameters of the analysis on the identity and characteristics of the parties are: the homogeneity of the parties, the total mediation power, the number of parties, the power disparity between the parties, the previous relations between the parties, and mediation outcome (see Appendix Three).

Figure 6.3: Interactive Effects of the Identity and Characteristics of the Parties

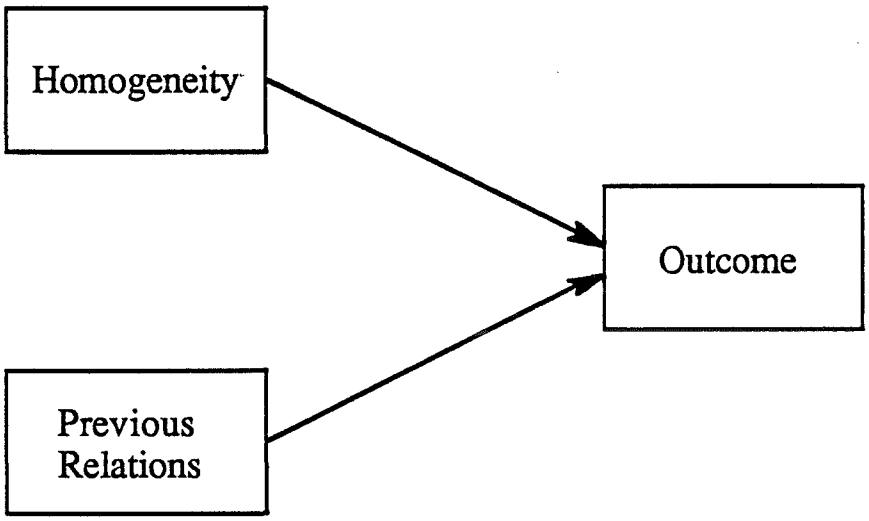


The goodness-of-fit (G^2=40.254) shows this is a rather poor fitting hiloglinear model, however the significance (p=0.836) is very good. We can confirm that both the party homogeneity and previous relations factors maintain their strong direct ties to outcome discovered in the bivariate analysis, although power disparity now only links indirectly through homogeneity. The homogeneity of a party will affect its power; a state divided against itself will not be able to concentrate all its resources to an external conflict, and hence the difference in homogeneity will have a resultant impact on the relative power of the protagonists.

Explaining the model further, there is a relationship between the total number of parties and the power disparity which arises from the fact that one side may have allies while the other does not, invoking a "two-against-one" type scenario. Finally we can hypothesise that the previous relations of the parties will affect the total number of parties. If the previous relations have been positive, it is more likely the protagonists will limit the conflict purely to themselves. However, if there has been a history of negative relations between the parties, it is possible that blocs of parties will have formed, which are subsequently drawn into the dispute.

It is interesting to note that the relationships in which the variables of homogeneity and previous relations are involved (apart from their impact on outcome) theoretically supposes them to act as independent variables, meaning that when we test for impact on outcome, it is to be expected that these relationships will not be involved. This is confirmed in Figure 6.4.

Figure 6.4: The Identity and Characteristics of the Parties Influence on Outcome



The most parsimonious model of how the identity and characteristics of the parties influences the outcome of mediation is simple in nature, with two direct effects on outcome from the homogeneity of the parties, and their previous relationship. Statistically this relationship has an excellent goodness of fit (G^2=0.678) but a poor significance of p=0.410.

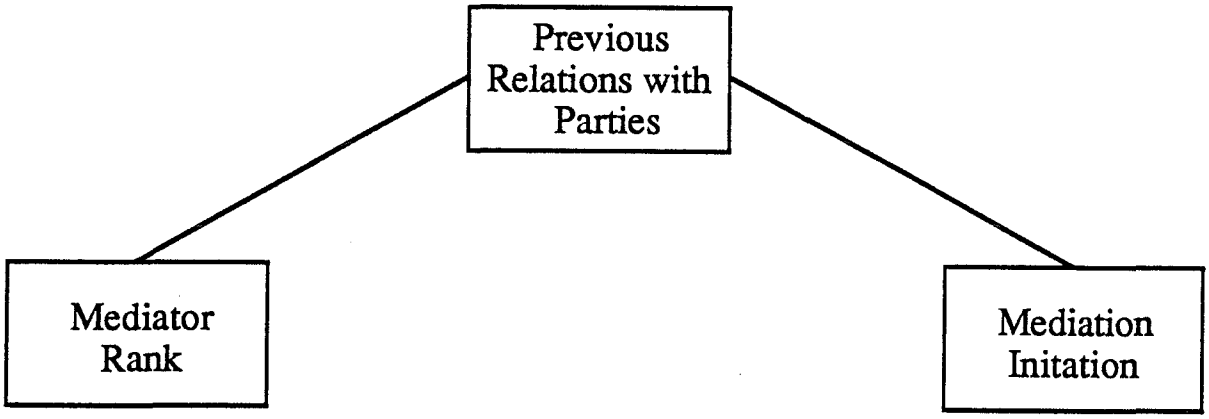
The Identity and Characteristics of the Mediator

In addition to mediation outcome, the parameters for the variable of the identity and characteristics of the mediator are: the mediator's previous experience in this particular dispute, the previous relationship between the parties and the mediator, the mediator's rank, and the mediation initiation (or identity of the

initiator) (see Appendix Four). In the bivariate analysis the experience was that only the variables of mediator rank and the parties' previous relations with the mediator had significant relationships with the mediation outcome, and even these relationships were not particularly strong.

This experience is reinforced by the results of the hiloglinear test. As Figure 6.5 depicts, there is no interactive relationship between the factors from this variable and mediation outcome.

Figure 6.5: Interactive Effects of the Identity and Characteristics of the Mediator



While the statistical strength of this model is disappointing (G^2=39.854, p=0.388), the wider theoretical suggestions of this finding are substantial. It is indicated that the mediator's rank will affect the previous relationship between the parties and the

mediator, and that the previous relationship will affect which actor initiates mediation.

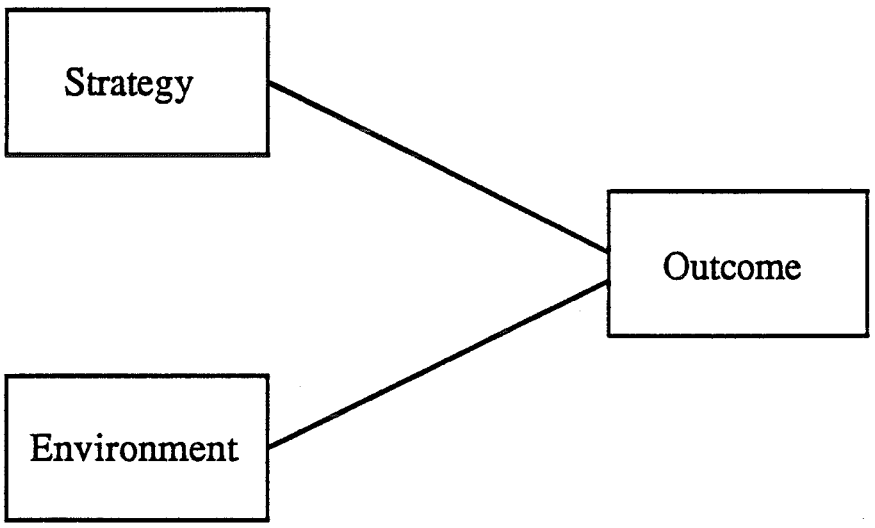
Both of these relationships make theoretical sense; a highly ranked mediator is likely to be widely recognised and known in the international system. Similarly, when the parties and the mediator have had previous relations, it is more likely the mediator will offer his or her services as an intermediary. However, none of this will directly influence the success rate of the mediation. Obviously this finding precludes the need to run a logit examination on this variable, and leads to the conclusion that the contribution of the mediator to the mediation outcome will only be through his or her impact on the variables which pertain to the dispute, the parties, and the mediation strategy. This observation helps to clear the disagreement discovered in Chapter Four between the views of Ott (1972) and Young (1967), over the direct importance of the identity and characteristics of the mediator to mediation outcome. While statistically weak, the findings do at least indicate that Ott is correct in his assertion that this variable will only be of "marginal" importance to outcome (1972:597).

Mediation Strategy

In addition to mediation outcome there are only two parameters for log-linear analysis of the variable of mediation strategy: the actual strategy, and the environment of the mediation (see Appendix Five). Because both of these parameters have demonstrated strong relationships with outcome in the bivariate

analysis, we can expect a model which emphasises these direct links. It is also possible to theoretically suggest a relationship between the environment of the mediation and the strategy used by the mediator. When the mediator has complete control over the environment, for example when it takes place in his or her territory, it would be more likely to be able to employ, and have accepted, the more directive strategies.

Figure 6.6: The Interactive Effects of Mediation Strategy

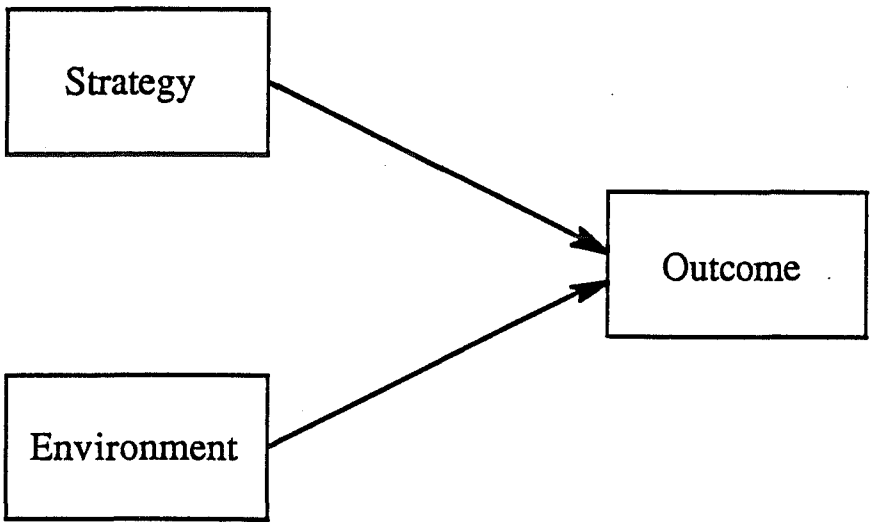


As Figure 6.6 demonstrates, our expectations are confirmed with regard to both the mediation strategy factors having an interactive relationship with outcome. However, it is interesting to note that there is no relationship at all between the environment of the mediation and mediation strategy. It seems

that the mediator's behaviour is dictated by factors other than the location of the conflict management attempt.

The statistics of this model show a particularly poor significance value (p=0.233), although a satisfactory goodness of fit reading (G^2=10.480). We would expect that the logit model would be considerably more parsimonious than this as the interactive relationship strongly implies the separate, and direct causal relationship between these two factors and mediation outcome.

Figure 6.7: Mediation Strategy Influence on Outcome



The goodness of fit for this model is substantially improved (G^2=3.521) while the significance score, while still low, is a more satisfactory p=0.475. Although the statistical significance precludes strong conclusions, the implication from the analysis

of the mediation strategy variable is that while both of its factors are involved in determining mediation outcome, their influence is felt purely through direct effects.

Inter-variable Multivariate Analysis: Theory and Practice

Introduction

Now that we have discovered the interactive effects which lead to outcome in the four variable areas of nature of the dispute, identity and characteristics of the parties, identity and characteristics of the mediator and mediation strategy, it is time to put the different components together. The resultant model will represent the interaction of the central determinants of mediation outcome. However, before this empirical process can be performed, it is important to understand the theoretical basis for such a move.

Toward a Theory of Mediation

A theoretical understanding of the manner in which the different factors and variables in the mediation relationship interact to determine outcome does not exist. Any isolated suggestions made in the mediation literature have no empirical basis to support them. What this section will do is to draw together some of these ideas, incorporating their common threads to determine how the interactive effects of the mediation relationship may operate to determine outcome.

Beginning with an observation which receives unanimous support in the literature, we determine that mediation is a dynamic process (Jones 1988:470). Also important is that all mediation cases must have an outcome, be it a failure, or some different level of success. Finally, we have four distinct variables which categorise the various factors which create the mediation relationship. Thus there are inputs, a dynamic and interactive process, and an output in the form of a mediation outcome. It is on this framework that all multivariate analyses are built.

One form this analyses has taken is the phase theory, or phase structure approach. This body of thought seeks to explain a mediation (or originally negotiation) outcome as the result of a series of phases that the parties move through with the assistance of the mediator. For example, discussing divorce mediation, Jones writes that agreement mediation:

> ... may involve at least three phases: (a) an agenda-building and information-exchange phase, (b) a phase in which a negotiation range is identified and the presentation and evaluation of potential solutions ensue, and (c) a resolution phase involving the formation of a final agreement and a discussion of its implications (1988:474).

Jones's summary is based largely on the developmental model of negotiation constructed by Gulliver (1979), which identified up to seven stages through which a negotiation passes over time. Indeed it is Gulliver who goes on to explain how the mediator enters the negotiation and through his or her behaviour:

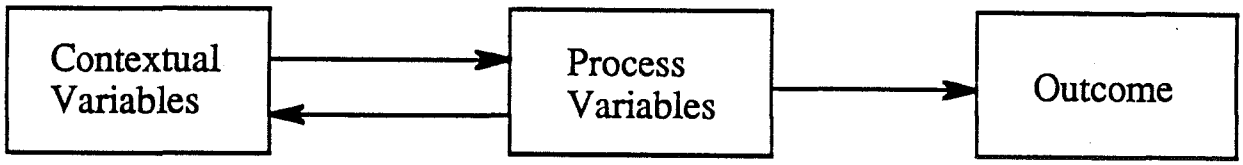
> ... throughout or in certain phases, acts in some way to assist in the endeavour to reach an agreed outcome (1979:209).

Gulliver explains the interactive effects of the mediation (or

negotiation) relationship as a series of phases through which the parties move, assisted by the mediator, towards the goal of an outcome. Each phase is reached through a unique combination of different interactions between the parties, the mediator, the nature of the conflict, and the process of the mediation. Perhaps the most appropriate analogy of this theory is that of a journey, which begins at one location and progresses through different environments before eventually arriving at the ultimate destination.

A second approach to multivariate analysis is the contingency approach developed by Bercovitch (1991). In this model, mediation outcome is contingent upon the dyadic interaction between contextual and process variable clusters. The original contextual variables describing the dispute, the parties and the mediator are modified by the mediator's behaviour in a cause-effect relationship which ultimately determines the nature of the outcome. This interaction is schematically represented in Figure 6.8 below.

Figure 6.8: The Contingency Approach to Mediation Outcome



(Bercovitch 1991:20)

The contingency approach implies that the mediator's behaviour (or mediation strategy variable as used in this study) is the catalytic force which will interact with factors and conditions existing prior to mediation occurring (for example, the dispute issues or the number of parties involved) and through this relationship initiate a process which will ultimately result in mediation outcome. Rather than a journey from one location to another, a contingency approach implies a reciprocal influence relationship which continues until either the relationship breaks down, or the necessary conditions for a successful conclusion are developed.

Is mediation a journey through phases, or is it a cause-effect relationship between contextual and process variables? Indeed, these are not the only options; it may be that the bivariate model which was developed in earlier stages of this study, and

was seen as a intermediate stage on the way to a multivariate understanding of mediation, is in fact the most satisfactory portrayal of the determination of mediation outcome. It may be that mediation is simply a melting pot of variables and factors which, cast together, interact at random in a manner too complex to be simplified by multivariate analysis. Simkin argues that the variables which describe the interactive process of mediation:

> ... are so many that it would be an exercise in futility to attempt to describe typical mediator behaviour with respect to sequence, timing, or the use or non-use of the various functions theoretically available (1971:118).

Faced with these choices, it is inappropriate to deduce specific hypotheses from what little theory exists on interactive models of mediation. Consistent with the approach of Jones (1988), the emphasis shifts to a more exploratory stance, whereby the data is examined in order to provide answers rather than to confirm or deny hypotheses. In the next section we move to determining the exact nature of the interactive effects in the mediation relationship which are the principal determinants of the outcome.

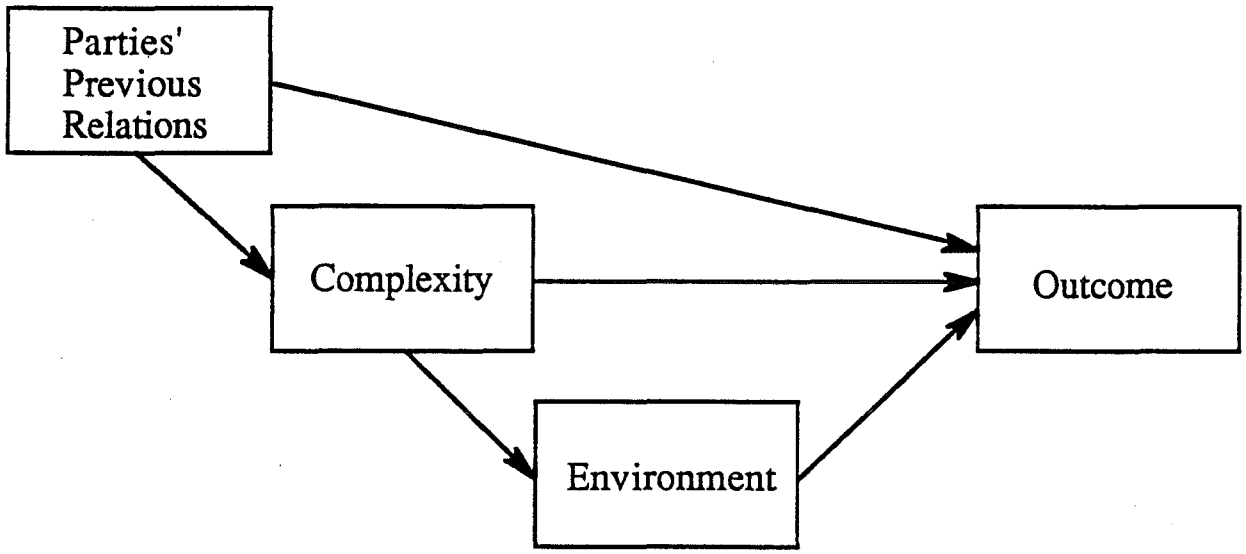
The Multivariate Model

The original bivariate model of mediation developed in Chapters Three and Four, included 15 factors which theoretically influence mediation outcome.[2] Through the logit analysis of the four variables described above, this has been reduced to 7 factors which have important direct and indirect relationships with mediation outcome. These influences are: the timing of the

mediation, the complexity of the dispute, the number of fatalities, the homogeneity of the parties, the previous relations of the parties, the mediation strategy, and the mediation environment (see Appendix Six). Because all of these factors, with the exception of mediation timing, were individually significant in their crosstabulation with mediation outcome in bivariate analysis, we can hypothesise that whatever final model is achieved, it will include a high number of direct effects between the individual parameters and outcome.

Figure 6.9 represents the optimal model of the key determinants of mediation outcome. It is this combination of parameters which represents the most parsimonious predicator of mediation outcome. The statistics are dramatically good, with the goodness of fit being very low (G^2=0.255), and the significance value particularly high (p=0.993).

Figure 6.9: The Central Determinants of Mediation Outcome



We can see that the suspicion of a high number of direct effects is confirmed, with each of the parameters of complexity, environment, and the parties' previous relations having significant direct relationships with mediation outcome. Confirmed by the bivariate analysis, mediation has the most chance of succeeding when mediation occurs in a simple dispute, at a neutral environment, between parties who have previously enjoyed positive relations.

In terms of the indirect effects, we can see the importance of dispute complexity to the model. Looking exclusively at the relationship between previous relations and complexity, 93% of disputes between parties with negative previous relations are moderately or highly complex in nature. However, if the previous

relationship was positive, this figure is only 43%. We can suggest that positive previous relations will be likely to simplify the number of issues contemplated at the mediation, and hence enhance the probability of successful mediation. Previously friendly disputants will have less tendency to broaden the issue base, for example developing intangible issues such as ideological conflict through a dispute over territory.

With regard to the second indirect effect between complexity and environment, there is a strong relationship between complex disputes being mediated at a non-neutral venue, and simple disputes at a neutral one. 70% of all complex disputes are mediated in non-neutral environments, however if the dispute is simple, this figure falls to 44%. In conflicts where there are both tangible and intangible issues, the parties will be completely absorbed in the dispute, and will typically have highly hostile perceptions of their opponents. Because of this, it is likely they will be less willing to make the effort to initiate or attend a mediation in a neutral environment. However, these problems will be minimised if the dispute is being fought over a single issue.

A Theory of Mediation Revisited

Considering the best theoretical representation of how the mediation relationship proceeds, and how an outcome is produced, the above model sheds some interesting light. The two indirect effects of parties' previous relations on complexity, and complexity on environment, as well as the fact that all these

parameters have significant direct effects on mediation outcome, tend to discount the idea of mediation being a series of phases. The emphasis is more on a simultaneous interaction of the independent variables on each other and on the dependent outcome, than on a series of steps from an initial starting point to a finishing point.

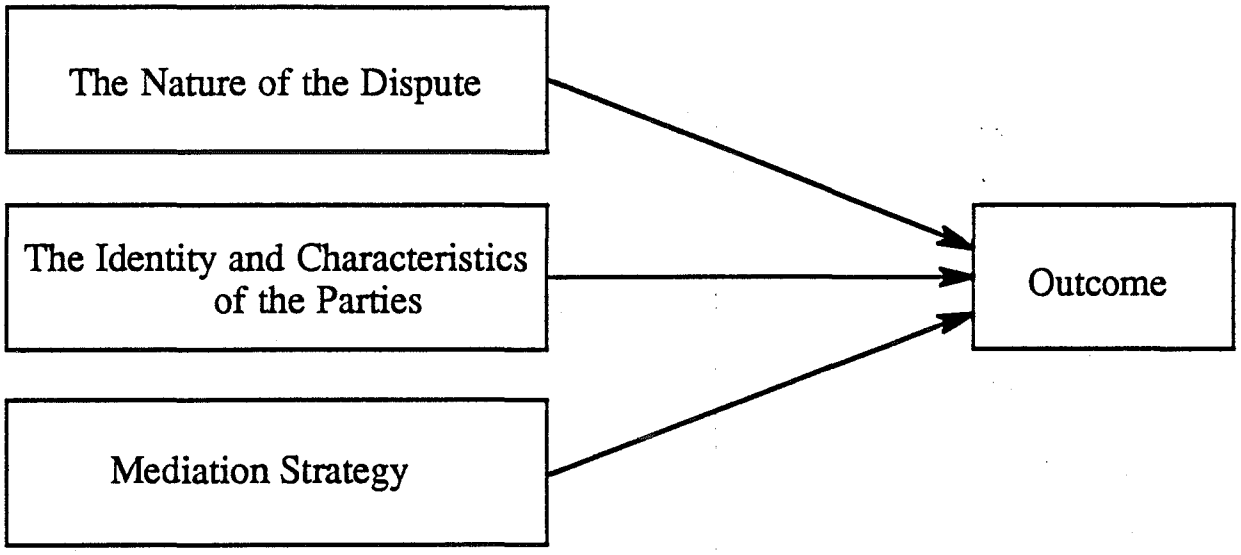
However, the representation of the contingency model is also somewhat unsatisfactory. The implication that the process component of the model is something of a secondary catalyst, with outcome stemming from its interaction with the contextual variables, is not reinforced by the model. This is demonstrated through the direct effects of two contextual variables (complexity and the parties' previous relations) on outcome. Mediation, it seems, is better represented as an interaction between the contextual and process variables whose impact on mediation outcome should be measured both as the result of the entire interaction, and as a result of the individual impact of certain variables.

We should remember that not all the contextual variables have a direct impact on outcome. As the preceding discussion has demonstrated, the identity and characteristics of the mediator have no direct impact on outcome when considered in multivariate analysis. We must assume that this variable simply has interactive effects with the other variables in the mediation relationship, rather than any direct influence on outcome.

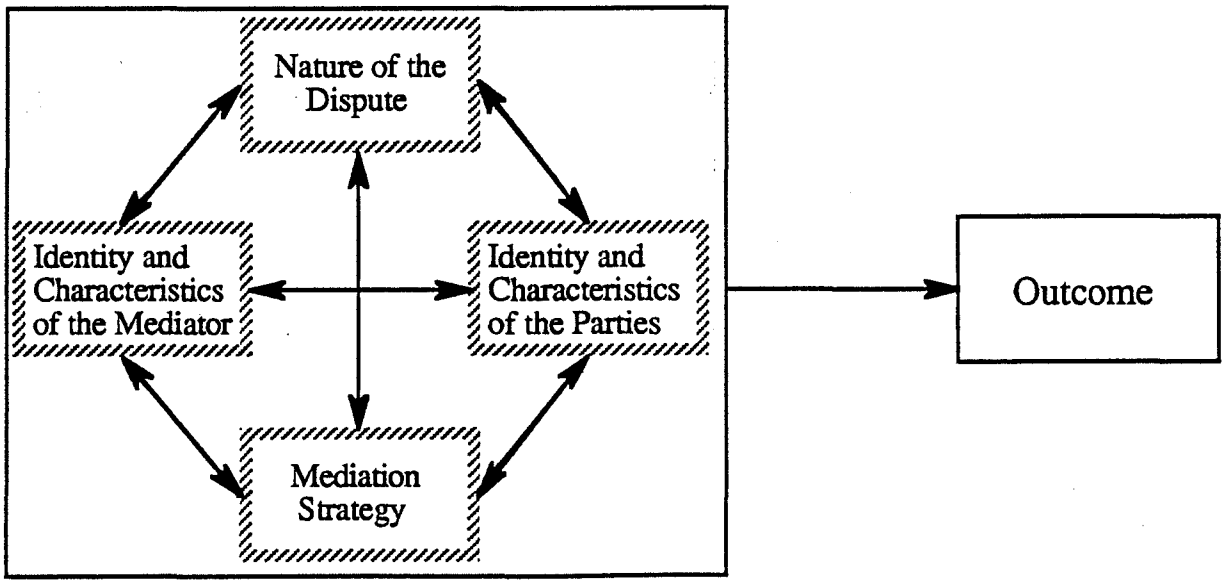
To summarise, mediation outcome is best described as being the result of two effects. The first of these is the direct influence of three individual variables: the nature of the dispute, the identity and characteristics of the parties, and mediation strategy. These relationships were demonstrated in Figure 6.9 by the direct effect on outcome from complexity (a nature of the dispute factor), the parties' previous relations (an identity and characteristics of the parties factor), and environment (a mediation strategy factor). The second effect is from the interaction of these variables, with each other, and with the variable of the mediator's identity and characteristics. This was demonstrated by the indirect effects of the model in Figure 6.9, and by the fact that the mediator will obviously influence the mediation relationship through deciding both when and how to intervene. Mediation outcome can still be described in terms of being contingent upon the impact of certain variables, however as Figure 6.10 demonstrates, the model has been considerably modified and expanded.

Figure 6.10: The Modified Contingency Model of Mediation

A. First Effect



B. Second Effect



It is interesting to note that in essence this model is a combination of aspects of both the original bivariate theory, and

the interactive relationships derived through multivariate analysis.

Conclusion

The lessons from multivariate analysis are substantial, and refer not only to the actual findings and their contribution to our understanding of mediation, but also to the methods used. Log-linear methods of multivariate analysis, with their ability to operate with nominal and ordinal data, represent something of a breakthrough for the social science researcher employing systematic empirical techniques. This study has demonstrated the considerable potential that exists to broaden our understanding of social phenomena such as mediation, through marrying categorical data analysis with empirically based research.

This said, it would be wrong to look upon multivariate analysis as the be-all and end-all of mediation research. The findings of categorical data analysis are only as good as the data used, and the theoretical understanding which precedes it. Chapter Six has adopted an explorative and somewhat adventurous stance, incorporating the relatively new technique of log-linear analysis into the field of empirically based mediation research. Nevertheless, several very important findings have accrued from this study which deserve to be emphasised. The derivation of a model of the central determinants of mediation outcome represents the empirical cumulation of this study, and is an exciting

precedent. We can now say with some certainty that the success or failure of mediation is principally dependent on the interaction of three key factors: the parties previous relationship, the complexity of the dispute, and the environment of the mediation.

Finally, the implications of these findings for a theoretical depiction of the mediation relationship represent the ultimate aim of empirical research; to place the findings back into the theoretical paradigm. The conclusion here is that the path to mediation outcome is most accurately described in both multivariate and bivariate terms, with contributions by both an interactive process between the four variables which describe the mediation relationship, and the direct effect of the nature of the dispute, the identity and characteristics of the parties, and the mediation strategy. This progression from the content of Figure 6.9 to that of Figure 6.10 is a significant and satisfying one. Figure 6.9 represents the cumulation of the empirical analysis of this study, and makes considerable progress beyond previous understanding of the mediation relationship. That this advance can be readily incorporated into the refined contingency model of Figure 6.10, and build on the (admittedly few) previous attempts to model how an outcome is produced through the mediation relationship, reflects both the validity and usefulness of these findings.

Endnotes

1. For an explanation of the log-linear method see Agresti (1990); Hildebrand, Laing and Rosenthal (1977); Knoke and Burke (1980); Reynolds (1977).

2. It is impossible to test all 15 factors using log-linear techniques as the system only allows for up to ten variables to be stipulated. Because of this there is a significant hurdle in the way of modelling the entire mediation relationship, rather than just concentrating on the specific task of the determinants of outcome. Even if all the factors could be included, the complex interaction of numerous factors and variables which characterise the mediation relationship would quickly produce so many significant associations that such empiricism would serve only to confuse rather than enlighten. For example, examining the interactive effects among 6 of the parameters from the nature of the dispute, and the identity and characteristics of the parties, 12 significant interactive effects with a p value of <0.050 were discovered. Obviously, mediation is characterised by the different factors having numerous interactive relationships.

Chapter Seven:

Conclusions

Introduction

The aim of this study has been to discover, through combining the resources of theory with empirical methods, the factors and conditions which determine mediation outcome. These influences have now been identified, and form a significant conclusion to the research. However, the very path of analysis used to discover these factors has illuminated other observations and conclusions on the subject of mediation, its existence as a field of academic study, and its place in international conflict management.

This study has followed a logical path; starting with the general question of mediation in the international system, discussing the field of mediation research, understanding mediation outcomes and how to classify them, moving to the area of determinants of outcome on a theoretical level, and then finally testing and expanding this theory using empirical resources. Through this progression it has been possible to achieve an overview of many of the questions and issues facing mediation research today. Each of these areas serve as themes for mediation research; the question of the role of mediation, its effectiveness, how it should be understood and evaluated, and perhaps most importantly,

how it could be improved as a practical means of conflict management.

This concluding chapter will examine these different themes, drawing on the lessons learnt from the preceding analysis. Accordingly, the approach will be two-pronged in nature, (a) to review what has been accomplished in this study, and (b) to discuss prescriptively the implications of this both to the field of mediation research, and also to the wider concern of international conflict management.

Mediation Research: Building a Better Understanding

Mediation is a complex and dynamic social process. The task of mediation research is to unlock the secrets of how it operates; to build understanding as to how mediation proceeds, and to learn why it succeeds or fails. Through the establishment of this knowledge, and its dissemination into the world of the mediation practitioner, we can ultimately hope that the ability of mediators to manage disputes peacefully and successfully will be enhanced.

Consequently, there is a need to approach mediation research methods critically: any particular method adopted for a study in this field is only as good as its contribution to our understanding of mediation. The more analysis a research exercise permits, and the more certain and applicable its findings, then

the greater its usefulness. Extending this further, the research method adopted must be able to use existing theory as its foundation, and must be able to produce results which can be readily reincorporated into the wider body of knowledge in the mediation field. It must work to either confirm or deny previous propositions in the mediation literature, or it must break new ground to widen and deepen the realms of mediation theory.

The systematic empirical method provides a means through which these ideals can be achieved. In Chapter One different research methods were discussed and the systematic empirical method was championed for having certain advantages: namely, the ability to draw conclusions based on statistically significant empirical results; the fact that all the data is systematically drawn from actual occurrences of international conflict and its management; and finally because it represented a research method which while being imaginative, rigorous, and powerful, also permitted the formation of data in a manner which was relatively economical.

Now that the conclusion stage has been reached, having come full-circle with this technique, there are other advantages of this method which have been demonstrated by the research here. The first of these is the enormous potential that exists when the data supplied by the systematic empirical approach is married with computer-based statistical techniques. The bivariate analysis of Chapter Five, and especially the multivariate analysis of Chapter Six demonstrate this. Through ongoing refinement of methods, and the exciting possibilities provided

by computer technology, the usefulness of empirical techniques in the field of mediation research can only be enhanced.

A second strength of the systematic empirical approach demonstrated by this study is the way in which the data provided can be operationalised according to the large field of theory which exists concerning mediation. For example, the mediation literature suggests numerous linkages between certain factors in the mediation relationship and a successful or failed outcome. These premises can be readily examined using an empirically based method when the factors, and the outcome, are stringently coded values. These findings can be subsequently re-positioned into the literature as basic evidence for the reliability or otherwise of theoretical suggestions.

The results of Chapters Five and Six represent the final evidence concerning the usefulness of the systematic empirical technique. Because the data upon which the empiricism is based is from factual conflict and mediation situations, conclusions can be made with the certainty that they are backed with statistically significant relationships.

The Mediation Relationship: Findings and Conclusions

In the following section the findings of this study will be reviewed regarding not only the results of the theoretical and empirical analysis of Chapters Three to Six, but also the

conclusions reached in Chapter Two concerning the evaluation and classification of mediation outcomes.

The Mediation Outcome

One of the hindrances to the building of a sophisticated and universal literature of mediation has been the definitional anomalies that have existed amongst various theorists. There is certainly a case to argue for a common set of parameters to be established so as to provide some basis which future research can share, and hence avoid wasting effort on the creation of unique definitions for each individual study.

Nowhere is this diversity of parameters more evident than in the definition of mediation outcome. As arguably the most difficult, but certainly the most important definitional task, it is an area which has been approached by numerous theorists, from almost every perspective. Chapter Two addressed this question of defining and classifying mediation outcome with the argument that all the various approaches can be simplified into two camps, those which favour a subjective approach, and those which use an objective criteria. The conclusion of this review was that while subjective evaluations provided potentially more sophisticated and revealing measurements of outcome, their usage was fraught with complications. Because of these difficulties, and because of certain attractions of an objective measurement of outcome, it was a form of behaviourial measurement which was chosen for the subsequent research. As well as being able to overcome the inherent problems associated with subjectivity, an objective

approach is able to provide simple and available classifications of outcome in a manner which is versatile and readily operationalisable for the empirical researcher. Generally speaking these arguments have been sustained by the experiences of this study, and the objective scale employed has provided a useful yardstick for both theoretical and empirical measurement. Nevertheless, we should not consider the search for an ultimate outcome definition has ended. It remains an area where there is a clear necessity for future research.

One area which in particular demands attention is the question of longitudinal studies of outcome. Kressel and Pruitt discuss the need for such studies to address the question of how certain conditions in the mediation relationship (and in particular mediator behaviour) affect the durability of an outcome over time (1989:420). Such studies would be likely to require some integration of objective criteria with subjective elements of party perception and changing opinion over time, and could lead to the development of an enhanced definition of mediation outcome.

Stemming from this is the need to resolve the problem of *when* to assess an outcome from any perspective. This study has taken the approach of making the classification at the conclusion of the mediation. However, partial settlement in the form of a ceasefire may be broken soon afterwards, and even full settlement may only represent an end to violent behaviour, not a resolution of underlying animosity which may continue and eventually lead to

further overt conflict. Conversely, what appears at first to only be a temporary ceasefire may within time grow into a peace settlement with no return to violent behaviour. Clearly there is a need for future research to investigate methods whereby an outcome is monitored over a period of time to modify, if necessary, a classification and evaluation made immediately following the mediation case.

Finally, there is the consideration of the classification of success and failure within an objective perspective. This study adopted the nomenclature which included four points: failure, two levels of partial success (ceasefire and agreement to continue efforts to manage the dispute), and success, defined as a settlement or agreement between the parties.

What needs to be considered is whether this taxonomy is either too stringent, or too lax. For example Frei suggests the definition that a successful mediation occurs when

> ... both parties to a conflict formally or informally accept a mediator and a mediative attempt within five days after the first attempt (1976:64).

This is certainly a more relaxed definition than the one adopted for this study, being more inclusive and accommodating than even the partial settlement measurement of ceasefire. While it certainly has the appearance of being unrealistically accommodating, Frei's definition is interesting for the contrast it provides to the definitions used in this study. Moreover, its dichotomous nature (rather than a four part continuum) raises further questions, especially considering it was desirable for

the empirical research of Chapters Five and Six to collapse the different degrees of success down into one variable so as to highlight the contribution of the independent factors. The overall conclusion must be that while the behaviourial orientated objective measurement adopted for this study has certainly proven satisfactory, the entire question of outcome perspective, definition and classification deserves future sustained and detailed research.

Factors and Conditions Influencing Mediation Outcome

Both the bivariate and multivariate analyses included in this study provide answers as to the factors and conditions determining mediation outcome. While the bivariate tests simply suggest certain single factors which would contribute to a particular outcome, the multivariate examination enlightens us to the manner in which a number of these factors interact in a relationship which is the central influence as to whether the mediation succeeds or fails. All these results are summarised below.

The bivariate analysis concluded that the chance of a successful mediation was maximised: (a) when the conflict was non-complex, (b) when there have been less than 500 fatalities, (c) when both parties are homogenous, (d) when there is no power disparity, (e) when the parties have positive previous relations, (f) when the mediator has a high rank, (g) when the parties and mediator have had previous relations, (h) when the mediator uses directive strategies, and finally, (i) when the mediation takes place in

a neutral environment. Out of the original fifteen hypotheses developed in Chapters Three and Four, it is found that seven can be confirmed outright, while the empirical examination replaced the intensity measurement with the simpler fatalities count, and introduced mediator rank, rather than power, as a more sophisticated measurement of the identity and influence of the mediator.

While many of the fifteen hypotheses developed in Chapters Three and Four were supported by the bivariate analysis, there were some which despite theoretical support, had empirically insignificant relationships with the mediation outcome. Allowing for the possibility of the data being insensitive in measuring these factors, these negative findings are still important reasons for reflection on the theory which claims a relationship does exist. The fact that there is no statistically valid bivariate relationship between mediation outcome and the nature of the issue, the intensity of the conflict, the timing of the mediation, total party power, the number of parties in conflict, mediator experience with the conflict, the power of the mediator, and whether the mediator is a state or an international organisation, demonstrate that in these instances there is a need to re-evaluate the relevance of some of the propositions in the mediation literature.[1] The conclusion that some of the propositions in the existing mediation literature may be invalid was originally highlighted by the experience of exploring theoretical notions in Chapters Three and Four, which produced numerous contradictions between the various theorists.

Progressing on from bivariate analysis, the multivariate analysis of Chapter Six represents a step closer to the goal of a mediation theory. The final multivariate model demonstrated that the interrelationship between the factors of dispute complexity, previous relationship between the parties, and the mediation environment is the central determinant of mediation outcome. Through analysing the direct and indirect effects, we can for the first time begin to understand how a particular outcome is produced through the simultaneous influence of several different factors in the mediation relationship.

The direct effects of the final multivariate model underscore the bivariate experience, emphasising the significance of positive inter-party relations, choosing a neutral or non-threatening environment, and working to simplify the complexity of the dispute. In terms of the indirect effects of the model, it is demonstrated that the previous relations between the parties will affect the number of issues which are confronted at the mediation, while the complexity of the dispute will affect the environment the mediation takes place in.

Perhaps the single most significant result of the empirical analysis is the discovery of the centrality of dispute complexity as a determinant of mediation outcome. This factor, which has received scant recognition in the theoretical literature, and even less in empirical studies, shows not only a strong bivariate relationship with mediation outcome, but it also plays a central

role in the model of the central determinants of mediation outcome.

All these results suggest a causal relationship between certain factors and conditions in the scenario of a mediation, and the success or failure of that mediation. Consequently, these results, in addition to having individual significance, are also important for the light they shed on the path towards a composite theory of mediation.

Predicting Success and Failure: Toward a Theory of Mediation

The central question in mediation research is why mediation succeeds or fails. A true theory of mediation will only exist when it can establish a causal relationship between a set of variables which represent the mediation relationship, and a particular outcome. However, given that mediation is a social process, representing the interaction of human perceptions and actions as well as numerous external stimuli, it is impossible that absolute laws will ever exist to explain both how and why mediation works. Nevertheless, steps towards a theory of mediation can certainly be made. The most important determinants of mediation outcome can be recognised, and their "if-then" relationships with outcome nature established. These two steps, which represent the principal objectives of this study, and constitute intermediate steps towards the building of a mediation theory, have been achieved. Through the wealth of information

provided by the empirical analysis of Chapters Five and Six, as summarised above, we can now predict with statistical evidence whether certain conditions and modes of behaviour will be likely to produce a successful or failed mediation.

The final step in the production and assessment of these results, and the one which confirms their worth in the field of mediation research, is to reintegrate them into the mediation theory from which they were derived.

The worth of the bivariate analysis is demonstrated through the fact that it can be used simply to confirm or deny propositions in the mediation literature. Almost without exception, the preceding theoretical and empirical mediation research has been structured in a bivariate manner, with theorists linking a particular factor to its likely impact on the outcome of a mediation. The data used in this study can be used as a gauge to measure the worth of many of these propositions which fill the current mediation literature.

With regard to the more explorative multivariate research in Chapter Six, the theoretical value of this analysis was demonstrated by the formation of the enhanced contingency model of mediation, which represents an advance in our perception of how mediation proceeds from a set of input factors into a particular outcome. While this model is simple in orientation, it does represent a substantial refinement of earlier attempts to construct a theory of how a mediation outcome is produced.

Based on a sound theoretical foundation with statistical support, it represents the full circle for the research embodied in this study. It is through this process of deriving, testing, interpreting, and finally reintegrating that we move toward a deeper understanding of mediation; of how it works, and of why it succeeds and fails.

From Theory to Practice: Mediation as a Means of Managing International Disputes

While this study has adopted a highly theoretical approach to examining mediation, and has drawn its resources almost exclusively from the theoretical literature, it is important not to lose sight of the fact that international mediation is an event which is continually occurring in different disputes throughout the world. Mediation, as a form of social interaction, is a skill, and we accept that the more skilfully and knowledgably it is performed, the more successful it will be. While altruistic desire and a moral concern to work for peace may be important, it is certainly no substitute for understanding and wisdom as to how mediation proceeds. Ultimately, mediation research is only useful if its results can be transplanted into the practice of real-world conflict management, and can enhance its ability to peacefully manage disputes.

There are certain things we cannot hope to change about international disputes purely through increasing our knowledge of mediation. Mediation is, after all, a reactive measure to an already existing conflict. What is needed is an understanding of how and when to mediate a given conflict, in order to have the greatest chance of success. The findings of this study suggest several measures pertaining to the different variables which were used to describe the mediation relationship, namely: the nature of the dispute, the identity and characteristics of the parties and of the mediator, and mediation strategy.

The Nature of the Dispute

Where issues are concerned, the one conclusion that stands out is that the more complex the dispute in terms of number of issues, the less likely it will be mediated successfully. While the mediator can do little to actually simplify the conflict itself, he or she should attempt to decrease the number of issues in the parties' perceptions. The mediator can do this in two ways. The first is to approach the issues in a conflict separately, in an attempt to simplify the discussions, forcing the parties to concentrate on one point, and not dwell on the entire spectrum of contention. The second measure is more difficult, but given the importance of complexity to outcome, should be attempted. Often in a conflict, a simple dispute over security or territory may develop an ideological element as the conflict progresses and hostile and stereotyped negative images of an opponent are constructed. If the mediator can engender positive relations at the mediation table, and in so doing break

down these negative stereotypes the parties may hold of each other, the conflict may be simplified.

These points about fractionalising the issues and engendering friendly relations to promote simplicity are especially important, given that dispute complexity was identified by the multivariate analysis to be one of the central determinants of outcome.

The finding that low fatality conflicts are more successfully mediated than high fatality conflicts suggests that mediation should be attempted earlier, rather than later, in a conflict situation. However, research on the timing of intervention, while failing to be statistically significant, did suggest that mediation attempted early in the conflict (up to 24 months on average) would be likely to fail. This suggests the mediator may be confronted with some sort of trade-off situation whereby a balancing act will have to be performed between becoming involved too early, and allowing the fatalities to rise. If a decision must be taken either way, the statistical results linking low fatalities to successful mediation were very strong, in contrast to those concerning timing of intervention.

The Identity and Characteristics of the Parties

A mediator should always attempt to ensure that the representatives of a party at the mediation table are indeed fully representative of their constituency. The results of this study show that the more homogeneous the parties, the more likely

they will be to come to a settlement. While the mediator cannot modify the intrinsic nature of a party, the heterogeneity of the parties will be minimised if the negotiators are fully representative of the factions within their constituency.

The conclusion that success will be enhanced when the parties have enjoyed positive previous relations suggests that while the mediator cannot recreate history, he or she should endeavour to emphasise the positive aspects of the parties previous relationship, and to de-emphasise the past if these relations have been strained or hostile. The apparent difficulty of this task must be overcome, as the multivariate model identified the parties' previous relations as one of the factors most important in determining success or failure.

A final measure the mediator could employ by being aware of the identity and characteristics of the parties, is to balance out any power disparity between the protagonists. The data suggests that success will be far more likely when there is power parity between the parties. This measure is accommodated by another significant finding of this study, namely that mediation strategies involving a high level of mediator intervention will be more successful than those with low intervention strategies. Through either tacitly or overtly siding with the weaker party in order to achieve power parity, the mediator will promote the path to a balanced mediation settlement.

The Identity and Characteristics of the Mediator

With regard to choosing the identity of the mediator, two recommendations emerge from the findings. The first is that it is the leaders of states who will be the most likely to mediate successfully. Much of the theoretical literature emphasises that state size is the important factor when understanding which mediators will be successful. However, the analysis of how mediator characteristics influence outcome shows that the status of the mediator within his or her own constituency is more important than the size or power of that constituency. The recommendation that stems from this is simply that these individuals should become more frequently involved in playing the mediating role. If certain state leaders from every geographical region in the world publicised their willingness to act as mediators should a conflict arise, it would considerably streamline the process of suitable mediators being found when their services are needed. This would ensure that mediation was predominantly undertaken by the most successful group of the potential mediators in the international system, and would help to overcome the seemingly random way in which actors currently come forward to mediate international disputes.

The second recommendation is that the parties should be familiar with the mediator, and should understand the motivational structure behind the mediator's involvement. This suggests that a mediator from an organisation of which both parties are members would be most applicable, be it a bloc of states, or a regional organisation[2].

Mediation Strategy

Because mediation strategy as a variable is largely represented by the mediator's behaviour, this is the one variable over which he or she can have complete control, and hence maximise the chance of a successful outcome. Two suggestions stand out.

The first is that mediation should, wherever possible, take place in a neutral environment of some kind, be it the mediator's territory, or some other actor's who is not directly connected to either of the protagonists. Conversely, territory controlled by one of the disputing parties should be strongly avoided; it is highly unlikely that success will follow from a mediation taking place in an environment threatening to either party. This suggestion is underscored by the multivariate analysis, which placed the environment of the mediation as one of the central determinants of mediation outcome.

The second suggestion in this area is that it is directive strategies, involving high levels of mediator intervention, in terms of suggestions, resources, and even manipulation, which are likely to produce successful outcomes. When a mediator does not have these abilities or resources, or is not willing to use them, it is advisable they reassess their role in the conflict. It is also important to emphasise that these power politics require the mediator to be skilful and perceptive so as to avoid alienation from the protagonists who may become distrusting or upset if they feel they are being openly coerced.

Conclusion

Mediation will not settle all international disputes, and it is quite possible that despite the wealth of ongoing research in the field, it may still fail to settle many international conflicts. This should not be a discouragement. International conflict is a destructive force which demands a positive reaction. It seems obvious that currently mediation is not operating to its full potential, and as Burton states:

> Mediation is a learned technique, and performance is measured by success and failure (1972a:6).

It is only through both continued academic research and practical experience that we will see the ability of mediation to settle disputes enhanced. Through its review of the mediation paradigm, its theoretical discussion of the issues surrounding mediation, and its discovery of the central determinants of mediation outcome, this study makes a significant contribution to this process of enhancement.

Endnotes

1. The impact of the identity of the initiator of the mediation is not included in this list as there was no direct theoretical support for this notion. Hypothesis Thirteen was constructed as a research question through informed opinion, in order to build some substantial findings in an area where no previous analysis had been attempted.

2. However this does not necessarily include The United Nations Organisation, which statistically shows a low rate of mediation success. It is likely that common membership of the U.N. is simply not a significant enough relationship between actors.

Appendix One: Data-set Code book

DATA FORMAT

The data is set up in a standard SPSSx data file (Intmed1.dat). There is one record per case (mediation event), and 46 columns per record. The position of the data within the records is shown below.

Variable	Lable	Column
	Dispute Variables	
V1	Dispute Number	1-3
V2	Duration	5
V3	Fatalities	6
V4	Dispute Intensity	7
V5	System Period	8
V6	Geographic Region	9
V7	Primary Issue	10
V8	Secondary Issue	11
V9	Peripheral Issue	12
V10	Final Outcome	13
	Party Variables	
V11	Dispute Initiator	14-16
V12	Time in IS A	17
V13	Time in IS B	18
V14	Alignment	19
V15	Power A	20
V16	Power B	21
V17	Prev Relation	22
V18	Pol System A	23
V19	Pol System B	24
V20	No. Parties A	25
V21	No. Parties B	26
V22	Homogeneity A	27
V23	Homogeneity B	28
	Mediation Variables	
V24	No. of Mediations	30-31
V25	Mediation Type	33
V26	Mediator Identity	34-36
V27	Mediator Rank	37-38
V28	Strategies	39
V29	Prev Relationship	40
V30	Prev Attempts	41
V31	Prev Att this Med	42
V32	Timing	43
V33	Initiated by	44
V34	Med Environment	45
V35	Med Outcome	46

DESCRIPTION OF THE VARIABLES

The following is a list of all the variables in the Intmed1 dataset. Included are the variable names and variable labels that can be found in the original SPSSx command file, along with the value labels and codes for each variable's characteristics. Where necessary a brief description of the variable is given. Calulation criteria and codes for the more complex variables can be found on the following pages .

V1 DISPUTE NUMBER

Each dispute has an individual code number.

V2 DURATION

Total duration of the dispute in months.

(1) 0-1 months
(2) 1-3
(3) 4-6
(4) 7-12
(5) 13-24
(6) 25-36
(7) 36+
(9) Unknown

V3 FATALITIES

(1) 100-500
(2) 501-1000
(3) 1001-5000
(4) 5001-10000
(5) 10000+
(9) Unknown

V4 DISPUTE INTENSITY

Fatalities per month

(1) 0-500
(2) 501-1000
(3) 1001-10000
(4) 10000+
(5) Unknown

V5 SYSTEM PERIOD

(1) 1945-55
(2) 1956-65
(3) 1966-75
(4) 1976-85
(5) 1986-90

V6 GEOGRAPHIC REGION

(1) North America
(2) Central and South America
(3) Africa
(4) South West Asia
(5) East Asia and the Pacific
(6) Middle East
(7) Europe

V7 PRIMARY ISSUE

(1) Territory
(2) Ideology
(3) Security
(4) Independence
(5) Resources
(6) Other

V8 SECONDARY ISSUE

Coding as for V7.

V9 PERIPHERAL ISSUE

Coding as for V7.

V10 FINAL OUTCOME

The eventual outcome of the dispute.

(1) Ongoing
(2) Lapse
(3) One party victory
(4) Abated
(5) Partial settlement
(6) Full settlement

V11 DISPUTE INITIATOR
Code number of the initiating party.

PARTY CHARACTERISTICS

V12 TIME IN IS A
Length of time in the international system (IS), party A.

(0) Not applicable
(1) 0-5 years
(2) 6-20
(3) 21-50
(4) 51-100
(5) 100+

V13 TIME IN IS B
Length of time in the international system (IS), party B.
Coding as for V12.

V14 ALIGNMENT
The political alignment of the disputing parties.

(1) Members of opposing blocs
(2) Members of the same bloc
(3) Bloc member vs. unaligned
(4) Both unaligned

V15 POWER A
Power score for party A.

(1) Not applicable
(2) 1-7
(3) 8-13
(4) 14-20
(5) 21-26
(6) 27-30
(7) 30+

V16 POWER B
Power score for party B.
Coding as for V15.

V17 PREV. RELATION

The nature of the parties' relationship prior to the dispute.

(1) Friendly
(2) No previous relationship
(3) Antagonism, but no conflict
(4) Previous conflict
(5) 1 Previous dispute
(6) More than 1 previous dispute

V18 POL SYSTEM A

Nature of the political system in party A.

(1) Monarchy
(2) Multi-party
(3) One party
(4) Military regime/junta
(5) Other

V19 POL SYSTEM B

Nature of the political system in party B.
Coding as for V18.

V20 NO. PARTIES A

Number of additional parties associated with party A.

(1) No other party involved
(2) Additional 1-2 parties involved
(3) Additional 3-5 parties involved
(4) More than 5 parties involved

V21 NO. PARTIES B

Number of additional parties associated with party B.
Coding as for V20.

V22 HOMOGENEITY A

Index of internal homogeneity for party A.

V23 HOMOGENEITY B

Index of internal homogeneity for party B.

MEDIATION CHARACTERISTICS

V24 NUMBER OF MEDIATIONS

This is the key ('occurs') variable in the repeating data format.

V25 MEDIATION TYPE

(0) No mediation
(1) Mediation
(2) Investigation
(3) Good offices
(4) Conciliation

V26 MEDIATOR IDENTITY

Mediator code number.

V27 MEDIATOR RANK

(0) No mediation
(1) Private Individual
(2) Leader of a national organisation
(3) Representative of a regional organisation
(4) Leader of a regional organisation
(5) Representative of an international organisation
(6) Leader of an international organisation
(7) Representative of a small government
(8) Representative of a large government
(9) Leader of a small government
(10) Leader of a large government

V28 STRATEGIES

The primary strategy employed by the mediator.

(0) No mediation
(1) Mediation offered only
(2) Communication/Facilitation
(3) Procedural
(4) Directive
(5) Supervisory

(6) Unspecified

V29 PREV. RELATIONSHIP

The previous relationship of the mediator with the parties.

(0) No mediation
(1) No previous relationship
(2) Different bloc
(3) Same bloc as one party
(4) Same bloc as both parties
(5) Mixed relationship

V30 PREV. ATTEMPTS

The number of previous mediation attempts in this dispute.

(0) 0
(1) 1-2
(2) 3-4
(3) 5-6
(4) 7-8
(5) 9-10
(6) 10+
(9) No mediation

V31 PREV. ATT. THIS MED.

Number of previous attempts by this mediator.

(0) 0
(1) 1
(2) 2
(3) 3
(4) 4
(5) 5
(6) 5+
(9) No mediation

V32 TIMING

The timing of the mediation attempt.
ie. the number of months elapsed in the dispute.

(1) 1-2
(2) 3-6
(3) 7-12

(4) 13-24
(5) 25-36
(6) 36+
(9) No mediation

V33 INITIATED BY

Request for mediation initiated by

(0) No mediation
(1) One party
(2) Both parties
(3) Mediator
(4) Regional organisation
(5) International organisation
(6) Unspecified

V34 MED ENVIRONMENT

The physical environment in which the mediation takes place.

(1) Party A's territory
(2) Party B's territory
(3) Mediators territory
(4) Neutral site
(5) Composite
(6) 0ffered only
(7) Unspecified
(9) No mediation

V35 MED OUTCOME

The outcome of the mediation attempt.

(0) No mediation
(1) Offered only
(2) Unsuccessful
(3) Ceasefire
(4) Partial settlement
(5) Full settlement

ADDITIONAL VARIABLES

From the original 35 coded variables, 5 additional dummy variables were derived for the purposes of this analysis. These were:

V37 NEW HOMOGENEITY

The comparative homogeneity of the parties.

(1) Both homogeneous
(2) One homogeneous
(3) Neither homogeneous

V38 TOTAL POWER

The cumulative power of the parties involved in the mediation.

(1) Weak mediation
(2) Moderate mediation
(3) Strong mediation

V39 TOTAL PARTY

The number of parties in the dispute.

(1) Two parties
(3) More than two parties

V40 POWER DISPARITY

The difference in the power between the two parties.

(1) No disparity
(2) Low/Mid disparity
(3) High disparity

V41 COMPLEXITY

The number of issues in the dispute.

(1) One issue
(2) Two issues
(3) Three issues

DISPUTES 1945-1990

Code	Dispute	Date
001	Chinese Civil War	1945-1949
002	Britain - India	1945-1948
003	Netherlands - Indonesia	Late 1945-Nov.1949
004	France - Indochina	Dec.1945-Jun.1949
005	Soviet Union - Iran	Aug.1945-Oct.1947
006	France - Madagascar	Mar.1947-Aug.1947
007	India - Pakistan	Oct.1947-Jan.1949
008	Israel - Egypt	May 1948-Jan.1949
009	Burma - Taiwan (KMT)	Aug.1948-1954
010	India - Hyderabad	Jan.1948-Sep.1948
011	Pakistan - Afghanistan	Aug.1949
012	China - Taiwan (Formosa Straits)	1950-1953
013	Korean War	Jun.1950-Jul.1953
014	China - Tibet	Oct.1950-May 1951
015	Egypt - UK (Suez Canal Zone)	Jan.1952-Jan.1956
016	Kenya	Aug.1952-Dec.1963
017	France - Tunisia	Jan.1952-Mar.1956
018	Oman - Saudi Arabia	1952-1975
019	France - Algeria	Nov.1954-Mar.1962
020	UK - Cyprus	Sep.1955-Oct.1959
021	Sudan Civil War	Dec.1955-Mar.1972
022	China - Tibet	Mar.1956-Mar.1959
023	USSR - Hungary	Oct.1956-Nov.1956
024	Suez War	Oct.1956-Nov.1956
025	Cuban Civil War	Dec.1956-Jan.1959
026	Honduras - Nicaragua	Apr.1957-Jun.1957
027	Spain - Morocco	Nov.1957-Apr.1958
028	France - Tunisia	Feb.1958-May 1958
029	China - Tibet	Mar.1959-Sep.1959
030	Sth. Vietnam - Nth. Vietnam	
031	Congo Conflict	Jul.1960-Feb.1963
032	Pakistan - Afghanistan	Sep.1960-May 1963
033	Cuba - US	Apr.1961-May 1961
034	France - Tunisia	Jul.1961-Sep.1961
035	India - Portugal	Dec.1961
036	Netherlands - Indonesia	Jan.1962-Aug.1962
037	Algeria - Morocco	Oct.1963-Sep.1964
038	India - China	Oct.1962-Nov.1962
039	Indonesia - Malaysia	1962-Nov.1965
040	Egypt - Yemen	Sep.1962-Aug.1967
041	China - USSR	Mar.1963-Mar.1969
042	African Territories - Portugal	1961-1975
043	Aden - UK	1956-1960
044	Cyprus - UK	Dec.1963-Nov.1967
045	Somalia - Ethiopia	1962-Mar.1964
046	Somalia - Kenya	Late 1962-Sep.1967
047	Nth. Vietnam - US	Mid 1964-May 1975
048	India - Pakistan	1965-1970
049	India - Pakistan	Aug.1965-Sep.1965
050	Namibean Independence	1966-Mar.1990
051	Israel - Egypt	Jun.1967
052	USSR - Czechoslovakia	Aug.1968
053	Nigeria - Biafra	Jul.1967-Jan.1970
054	Zimbabwean Independence	1967-1980
055	USSR - China	

056	Honduras - El Salvador	Jul.1969
057	US - Cambodia	Jan.1970-Apr.1975
058	India - Pakistan	Mar.1971-Feb.1974
059	Iran - Iraq	1971
060	Uganda - Tanzania	1971-Oct.1972
061	Nth. Yemen - Sth. Yemen	May 1972-Oct.1972
062	Oman - Sth. Yemen	1972-Aug.1974
063	Israel - Egypt	Mid 1973
064	Israel - Syria	Oct.1973-Dec.1974
065	Ethiopia - Eritrea	1962-1990
066	Turkey - Cyprus	Jan.1974-Jun.1978
067	Nth. Vietnam - Sth. Vietnam	Dec.1960-
068	Indonesia - East Timor	Oct.1975-1989
069	Western Sahara	Jan1975-1990
070	Honduras - El Salvador	Jul.1976-Oct.1980
071	Ethiopia - Somalia	1962 - 1985
072	Israel - Lebanon	
073	El Salvador Conflict	Jan.1977-1990
074	Zaire - Angola (Shaba Invasion)	Mar.1977-May 1977
075	Second Invasion of Shaba	May 1978
076	Uganda - Tanzania	
077	China - Vietnam	
078	Afghanistan - USSR	
079	Vietnam - Kampuchea	Jan.1979-1990
080	Angola - Sth. Africa	
081	Thailand - Vietnam	1979-1990
082	Iran - Iraq	Feb.1980-1989
083	Mozambique - Sth. Africa	
084	Honduras - Nicaragua	Jan.1980-1990
085	Ecuador - Peru	Jan.1981-Feb.1981
086	Ugandan Civil War	Dec.1981-1990
087	Libya - Chad	Mid 1982-Oct.1988
088	UK - Argentina	Apr.1982-Jun.1982
089	Israel - Lebanon	Early 1982-Mid 1983
090	Lauka - Tamil Conflict	Jul.1982-1990
091	Chad - Nigeria	
092	Burkina - Mali	
093	Laos - Thailand	Jun.1984-Dec.1988
094	India - Pakistan	
095	Iraq - Kuwait	Aug.1990
096	Panama - US	Dec.1989
097	Liberian Civil War	Dec.1989-Dec.1990

PARTY IDENTITY

STATES

Code	Name
001	Aden
002	Afghanistan
003	Albania
004	Algeria
005	Angola
006	Antigua & Barbuda
007	Argentina
008	Australia
009	Austria
010	Bahamas
011	Bahrain
012	Bangladesh
013	Barbados
014	Belgium
015	Belize
016	Benin
017	Bhutan
018	Bolivia
019	Botswana
020	Brazil
021	Burnei Darussalam
022	Bulgaria
023	Burkina
024	Burma
025	Burundi
026	Cambodia/Democratic Kampuchea
027	Cameroon
028	Canada
029	Cape Verde
030	Central African Republic
031	Chad
032	Chile
033	China
034	Colombia
035	Comoros
036	Congo
037	Costa Rica
038	Cuba
039	Cyprus
040	Czechoslovakia
041	Denmark
042	Djihouti
043	Dominica
044	Dominican Republic
045	Ecuador
046	Egypt
047	El Salvador
048	Equatorial Guinea
049	Ethiopia
050	Fiji
051	Finland
052	France
055	Gabon
056	Gambia
057	Germany, East
058	Germany, West
059	Germany, United
060	Ghana
061	Greece
062	Grenada
063	Guatemala
064	Guinea
065	Guinea-Bissau
066	Guyana
067	Haiti
068	Honduras
069	Hungary
070	Iceland
071	India
072	Indonesia
073	Iran
074	Iraq
075	Ireland
076	Israel
077	Italy
078	Ivory Coast
079	Jamaica
080	Japan
081	Jordan
082	Kenya
083	Korea, North
084	Korea, South
085	Kuwait
086	Laos (Lao People's Democratic Republic)
087	Lebanon
088	Lesotho
089	Liberia
090	Lybia (Lybian Arab Jamahiriya)
091	Luxembourg
092	Madagascar
093	Malawi
094	Malaysia
095	Maldives
096	Mali
097	Malta
098	Mauritania
099	Mauritius
100	Mexico
101	Mongolia
102	Morocco
103	Mozambique
104	Namibia
105	Nepal
106	Netherlands
107	New Zealand
108	Nicaragua
109	Niger

110	Nigeria
111	Norway
112	Oman
113	Pakistan
114	Panama
115	Papua New Guinea
116	Paraguay
117	Peru
118	Philippines
119	Poland
120	Portugal
121	Qatar
122	Rumania
123	Rwanda
124	Saint Christopher and Nevus
125	Saint Lucia
126	Saint Vincent and the Grenadines
127	Samoa
128	Sao Tome and Principe
129	Saudi Arabia
130	Senegal
131	Seychelles
132	Sierra Leone
133	Singapore
134	Solomon Islands
135	Somalia
136	South Africa
137	Spain
138	Sri Lanka
139	Sudan
140	Suriname
141	Swaziland
142	Sweden
143	Switzerland
144	Syria
145	Taiwan
146	Tanzania
147	Thailand
148	Tibet
149	Togo
150	Trinidad and Tobago
151	Tunisia
152	Turkey
153	Uganda
154	Union of Soviet Socialist Republics (USSR)
155	United Arab Emirates (UAE)
156	United Kingdom (UK)
157	United States of America (USA)
158	Upper Volta
159	Uruguay
160	Vanuatu
161	Venezuela
162	Vietnam
163	Vietnam, North
164	Vietnam, South
165	Western Samoa
167	Yemen
168	Yemen, North
169	Yemen, South
170	Yugoslavia
171	Zaire
172	Zambia
173	Zimbabwe

OTHER

Code	Name
174	African Territories
175	East Timor
176	Eritrea
177	Hyderabad
178	Indochina
179	Belgian Congo
180	Biafra
181	Sri Lankan Tamils
182	Katanga Rebels
183	Ugandan Rebels
184	El Salvador Rebels
185	Communists - China
186	Communists - Greece

POWER

This measure of the power of a disputing party is a modified version of the Cox-Jacobson Scale.[1]

The power index score for a nation is calculated by adding its scores on the following measures.

All currency-based measures are in US dollars at current prices. Since the purpose of the modified scale was to compare states at a particular point in time, it was felt unnecessary to convert figures to constant prices, as was done in the original.

GNP

Score	$ Billion
1	0-.9
2	1-3
3	4-6
4	7-9
5	10-19
6	20-29
7	30-39
8	40-59
9	60-99
10	100-199
11	200-499
12	500+

MILITARY SPENDING

Score	$ Million
1	0-9
2	10-50
3	51-100
4	101-250
5	251-500
6	501-750
7	751-1,000
8	1,001-5,000
9	5,001-10,000
10	10,001-25,000
11	25,001-50,000
12	50,001+

GNP per CAPITA

Score	$
1	0-199
2	200-599
3	600-999
4	1000-4999
5	5000-10000
6	10000+

TERRITORY

Score	Km^2
0	0-50,000
1	50,001-200,000
2	200,001-500,000
3	500,001-900,000
4	900,001-2,500,000
5	2,500,001+

POPULATION

Score	Millions
0	0-1.9
1	2-19
2	20-59
3	60-99
4	100-249
5	250+

[1] Cox, R., & H. Jacobson, 1973, *The Anatomy of Influence: Decision Making in International Organisations*, Yale University Press, New Haven.

HOMOGENEITY

The internal homogeneity of each each of the disputing parties was measured on the basis of religion, language, and race, with the index of homogenity an average of the three scores. Each measure was coded according to the following criteria:

Score	Criteria
1	Homogeneous - No single significant majority (10% or more of the population) or significant combination of smaller minorities (15% or more of the population).
2	Having a single significant minority (10-25% of the population) or a signficant combination of smaller minorities (15-25% of the population).
3	Having a majority population (51% or more) but also having a large single minority or group of minorities (26-49% of the population)
4	No majority group, but only one very large minority/plurality population (>30% of population and >10% more of population than any other single group).
5	Greater fragmentation - More than one very large minority or several smaller minorities, but no majority or plurality population

MEDIATIOR IDENTITY

ALPHABETICAL LIST

Code	Mediator
	Aakrah - see OAU Advisory Mission
	Abdelghani, - see Eyadema
016	Abdullah, Shaik. Leader of the Kashmir Moslem Conference
050	Acheson, Dean. (US) Secretary of State
	Ahidijo - see OAU Advisory Mission
	Ahidijo - see OAU Fact Finding Mission
201	Ahtisaari, Martti. UN Special Representative
	Aka, M. - see UN Mission
085	al Yafi, Dr. Salim. Assistant Secretary General of the Arab League & Reps of Algeria, Egypt, Kuwait, Lybia,Syria
175	Alatas, Ali. (Indonesia) Foreign Minister
037	Algeria/Morocco Arbitration commision
100	Amin, Idi. (Uganda) President
043	Amir of Kuwait
142	ANAD, North American Defence Agreement countries
202	Angola/UN (unspecified)
086	Arab League (unspecified)
033	Arab League Commission of Mediation/Conciliation
088	Arab League, Conference of the Foreign Ministers of
	Arap Moi, D. - see Moi, D.
	Aref, A. - see Bella B.
123	Argentina, Brazil, Chile & US
116	ASEAN Conference
096	Atherton Jr., Alfred. (US) Assistant Secretary of State, Near East
220	Avarez, Luis Alberto Monge. (Costa Rica) President
	Baba, D. - see UN Mission
	Balafrej, M. - see Hassan
039	Bandaranaike, Mrs. (Ceylon) Prime Minister
083	Bareh, Siyad. (Somalia) President
	Barr, B. - see Niilus, L.
170	Barroso, Joes Durao. (Portugal) Secretary of State
	Bearogvi, - see Eyadema
237	Beck-Fris, Baron Johan. (Sweden) Retired Diplomat
	Beeley, H. - see Murphy, Robert.
239	Bella, Ben. (Algeria) President & Aref, Abdul Salam. (Iraq) President
075	Bergus, Donald. US Rep in Egypt & Steiner, Michael. Head of Egyptian Section of US State Dept.
017	Bernadotte, Count. UN Mediator in Palestine
014	Black, Eugene. World Bank President
	Bomboko, J. - see OAU Mission
154	Botha, Pik. (South Africia) Foreign Minister
004	Britain (unspecified)
234	Britain/US (unspecified)
218	Broadbent, Edward. Vice-President of Socialist International
210	Brockway, Lord., & Griffiths, James. (Committee for Peace in Nigeria)
064	Brown, George. (UK) Foreign Secretary
072	Bull, General Odd. Chief of Staff UN Truce Supervision Org.
018	Bunch, Dr. R. UN Mediator
	Bunker, E. - see OAS Mediation Committee
032	Bunker, Ellsworth. (US) Ex-Diplomat.
	Burns, Maj. Gen. - see Hammarskjold, D.
231	Burns, Major-General. UN Chief of Staff, Truce Supervision Org.
194	Caffery, Jefferson. (US) Ambassador to Cairo
094	Cairo Preparatory Conference

101 Callaghan, James. (UK) Foreign Minister
Carrea, M. - see UN Mission
188 Carrington, Lord. (UK)
093 Carter, Jimmy. (US) President/Private individual
150 Castro, Fidel. (Cuba) Chairman of the Non-Aligned Movement
223 Catholic Church, (El Salvador) (unspecified)
Chatti, - see ICO Team
214 Chidambaram, P. (India),
& Natwarsingh, K. (India) Personal emissaries to Mrs. Ghandi
Chiribogan, J. - see OAS Team (228)
001 Christian, General. CinC, NEI
249 Clarizo, Mgr. Emanuele. Papal Nuncio
& UN Observer Team (unspecified)
243 Clarizo, Mgr. Emanuele. Papal Nuncio in Santo Domingo
002 Clarke Kerr, Sir A. British Special Ambassador in Batavia
133 Cochran, Mark. (US) Rep on UN Indonesia Committee
181 Cohen, Herman. (US) Assistant Secretary of State
011 Commonwealth Prime Ministers
200 Contact Group
& Waldheim, Kurt. UN Secretary General
199 Contact Group: Britain, Canada, France, West Germany, US,
(unspecified)
140 Contadora Group, Foreign Ministers of Colombia, Mexico, Panama,
& Venezuela
Conway, D. - see Papal Mission
119 Coordinating Bureau of the Non-Aligned Countries
-Mediation Committee; Foreign Ministers of Cuba, India, Malaysia,
Pakistan, PLO, Yugoslavia, Zambia
151 Cordovez, Diego. UN Under Secretary-General, special envoy to
Afghanistan
114 Crocker, Dr. Chester. (US) Ass. Secretary of State, African Affairs
113 Cueller, Perez de. UN Secretary-General
222 Damas, Archbishop Mgr. Arturo Rivera y. (El Salvador)
230 de Ridder, Col. UN Chief of staff in Palistine
Diori - see Tubman
Dixit, - see Ghandi
010 Dixon, Sir Owen. (Australia) Judge of Australian High Court
238 Dorsinville, M. Max. UN Representative
158 Draper, Morris. Chief US Negotiator in Lebanon
Drier, J. - see OAS Team (228)
Dueres, R. - see OAS Mediation Committee
195 Dulles, John F. (US) Secretary of State
180 ECOWAS Heads of State
179 ECOWAS Representatives (unspecified)
252 Egypt (unspecified)
084 Ekangaki. OAU Secretary-General
225 El Salvador Bishops (2, unspecified)
198 Escher, Dr. Alfred Martin. Special rep. to the UN Secretary-General
171 Espiell, Hector Gros. UN Special Representative
176 Evans, Gareth. (Australia) Foreign Affairs Minister
177 Evans, Gareth. (Australia) Foreign Affairs Minister,
& Indonesia (unspecified)
227 Evatt, Dr. UN General Assembly President,
& Trygvie Lie UN Secretary-General
255 Eyadema (Togo) President,
& Kountche, Lt. Col. Seymi. (Niger) President

256 Eyadema (Togo) President,
Kountche, Lt. Col. Seymi. (Niger) President,
Senghor (Senegal) President,
Bearogvi (Guinea) Prime Minister,
Mboumosa, Eteki. (OUA) Secretary-General,
Abdelghani (Algeria) unspecified representative,
& Ghalib, Arteh (Somalia) Secretary of State
105 Fahd, Crown Prince. (Saudi Arabia)
147 Fahd, King. (Saudi Arabia)
Farah, A. - see UN/OAU
091 Ford, Gerald. (US) President
115 Foreign Ministers of Vietnam, Laos, and PRK
124 France (unspecified)
125 France/OAU
066 Freeman, John. (UK) High Commissioner in India
& James, Sir Morrice. (UK) High Commissioner in Pakistan
087 Gaddafi, Muammar. (Lybia)
211 Garba, Brigadier Joseph. (Nigeria)
191 Gardiner, Robert. (UN Official)/UN Officials (unspecified)
Ghalib, A. - see Eyadema
082 Ghalib, Omar Arteh. (Somalia) Foreign Minister
215 Ghandi, Mr. (India),
& Dixit, Mr. (India)
071 Goldberg, Arthur. (US) Rep at the UN
Gowan - see OAU Fact Finding Mission
012 Graham, Dr. Frank P. (US) UN Mediator
Griffiths, J. - see Brockway
Gromyko - see also Kissinger, H.
098 Gromyko, Andre. (USSR) Foreign Minister
Guererro, L. - see OAS Team (077)
102 Guicciardi, Vittorio Winspeare. UN Special Envoy
190 Gullion, Mr. (US) Ambassador to Leopoldville
129 Habib, Philip. (US) Special Ambassador to the Middle East
126 Haig, Alexander. (US) Secretary of State
152 Halefoglu, Vahit. (Turkey) Foreign Minister
235 Hammarskjold, Dag.
& Major-General Burns
236 Hammarskjold, Dag.
& Dr. Urrutia (Colombia) Diplomat
031 Hammerskjold, Dag. UN Secretary-General
034 Hasounah. Secretary-General of the Arab League.
021 Hassan, Prince M. & Balafrej, M. (Moroccan Foreign Minister)
139 Hayden, Bill. (Australia) Foreign Minister
041 Hussein. King of Jordan
118 ICO (Islamic Conference Organisation) GOC, led by Zia (Pakistan)
137 ICO Negotiating Team led by President Tome of Guinea
138 ICO Team led by Secretary-General Chatti
122 India (unspecified)
213 India, 5 member government delegation, (unspecified)
067 Indo/Pakistani Western Boundary Case Tribunal
173 Indonesia (unspecified)
Indonesia - see Evans, G.
174 Indonesia/France (unspecified)
023 Ismay, Lord. Secretary-General of NATO
028 Italy (unspecified)
149 Italy (unspecified)
160 Jackson, Elmore.
221 Jackson, Rev. Jesse
James, Sir M. - see Freeman, J.
013 Jarring, Gunnar. Security Council Chairman
121 Jawara. (Gambia) President; President of ICO
019 Jessup, P.C. (US) Ambassador-at -large

029 Murphy, Robert. (US) Deputy Under-Secretary of State
& Beeley, Harold. (UK) Superintending Under-Secretary of State
112 Murray, Sir James. Emissary for "Contact Group":
-Canada, France, UK, US, West Germany
Murumbi - see OAU Mission
164 Narasimhan, Mr. C.V. Chef de Cabinet of U Thant
038 Nasser (Egypt)
Nasser - see Tito
Natwarsingh, K. - see Chidambaram, P.
163 Nehru. (India) Prime Minister
Ngouabi - see Mobotu
Niekerk, van. - see Kaunda, K.
193 Niilus, Leopold.
& Barr, Canon Burgess. WCC Representatives
000 No Mediation
Non-Aligned Movement - see Castro, F.
- see Coordinating Bureau of...
079 OAS (unspecified)
143 OAS 5 member mission: Argentina, Bolivia, Mexico, Panama, US
242 OAS Council (unspecified)
248 OAS Mediation Committee:
-Ellesworth Bunker (US)
-Dr. Ilmar Penna Marinho (Brazil)
-Ramon de Clairmont Dueres (El Salvador)
244 OAS Peace Mission: Argentina, Brazil, Colombia, Guatemala,
Panama, Uruguay
077 OAS Team:
-Alberto Fuertes Mohr (Guatemala) Foreign Minister
-Fernando Lara (Costa Rica) Foreign Minister
-Lorenzo Guererro (Nicaragua) Foreign Minister
078 OAS Team:
-Dr. Sevilla Sacasa (Nicaragua) Rep on Permanent Council of OAS
-Reps from Argentina, Costa Rica, Dominican Republic, Equador,
Guatemala, US.
228 OAS Team:
-Jose Chiribogan (Equador)
-John Drier (US)
-Fernando Lobo (Brazil)
-Louis Quintanilla (Mexico)
-Guillermo Vallodo (Paraguay)
216 OAS, President Curazo Odio (Costa Rica)
110 OAU (unspecified)
OAU - see also Ekangaki
157 OAU ad hoc committee. Heads of State of Algeria, Cameroon,
Mozambique, Nigeria, Senegal. Pres. Bongo (Gabon) chairman.
205 OAU Advisory Mission:
-Hailie Selassie
-General Aakrah
-President Ahidijo
-M.D. Telli
106 OAU Committee of Wise Men:
-Reps of Guinea, Ivory Coast, Mali, Nigeria,Sudan
107 OAU Eight Nation Mediation Committee
076 OAU Fact Finding Mission:
-President Sengher (Senegal)
-President Ahidijo (Cameroon)
-President Mobotu (Zaire)
-General Gowan (Nigeria)
055 OAU Foreign Ministers
057 OAU Heads of State

020 Shah of Iran
209 Sheperd, Lord. Minister of State for Commonwealth Affaris
130 Shultz, George. (US) Secretary of State
232 Siam/US Chaired by US Military Attache Col. R.D. Palmer
073 Sisco, Joseph J. (US) Assistant Secretary of State
207 Smith, Arnold. Commonwealth Secretary-General
208 Smith, Arnold. Commonwealth Secretary-General,
Mr. Odaka (Uganda) Foreign Minister,
& President Obote (Uganda)
226 Soto, Alvaro De. UN Envoy
024 Spaak, M. Secretary-General of NATO
251 Spinelli, Pier. UN European Office Director
& Riley, Major General. UN Sec-Gen. Chief Military Advisor
Steiner, M. - see Bergus D.
099 Sudan (unspecified)
120 Syria/Kuwait (unspecified)
Telli, M. - see OAU Advisory Mission
166 Thailand (unspecified)
053 Thant, U. UN Secretary-General
070 Tito (Yugoslavia)
& Nasser (Egypt)
Tome, - see ICO Negotiating Team
240 Tubman (Liberia) President,
Diori (Niger) President,
& Keita (Mali) President
049 Tuomioja, Sakari. (Finland) Ambassador to Sweden; UN Mediator
U Thant - see Thant, U.
146 UN (unspecified)
008 UN CIP (Kashmir Commission)
189 UN Conciliation Commission (Congo)
006 UN GOC
250 UN Mission:
-Dey Ould Sidi Baba (Morocco)
-Mandel Pio Carrea (Brazil)
-M. Moise Aka (Ivory Coast)
007 UN Security Council
148 UN/OAU 15 member multi-national technical commission
led by Abdulrahim Abby Farah, UN Under Secretary-General
159 UNIFIL (unspecified)
224 University of El Salvador (unspecified)
Urquhart, B. - see Waldheim, K.
Urrutia, Dr. - see Hammarskjold, D.
005 US (unspecified)
048 US/UK (unspecified)
025 US/USSR (unspecified)
Vallodo, G. - see OAS Team (228)
134 van Langenhove, P. Chairman of the UN Security Council
van Niekerk, - see Kaunda, K.
Vance, C. - see Owen, D. (187)
092 Vance, Cyrus. (US) Secretary of State
183 Vorster. (South Africia) Prime Minister,
& Kaunda (Zambia) President
Waldheim, K. - see Contact Group
203 Waldheim, Kurt.
&Urquhart, Brian. UN Official
054 Waldheim, Kurt.
197 Wedemeyer, Lt. Gen. Albert. Special envoy to the President
Williams, J. - see OAU Mission
068 Wilson, Harold. (UK) Prime Minister
192 World Council of Churches (unspecified)
Yafi - see al Yafi

Appendix Two

Log-linear Analysis on The Nature of the Dispute Variable

Parameters -v35=outcome

-v3=fatalities

-v7=issues

-v32=timing of intervention

-v41=complexity (number of issues)

A saturated test was run on these parameters to discover all associations between them. The partial associations with a significance value of $p<0.05$ are as follows:

Association	*Chi²*	*p*
v35*v41*v32	11.540	0.021
v35*v3	15.232	0.000
v35*v41	6.202	0.045
v7*v41	12.281	0.002
v3*v41	12.281	0.002

These significant associations were used as the design for a specified model. A backwards regression was subsequently performed on this model in order that the least significant effects should be systematically removed until the most parsimonious model of the interactive effects of the nature of the dispute variable was produced. The result of the backwards regression test was the following model (with the Chi^2 and p values for each part of the model included):

The Model Design	*Chi²*	*p*
v35*v41*v32	14.537	0.006
v35*v3	15.496	0.000
v7*v41	59.450	0.000
v3*v41	22.013	0.000

The overall goodness-of-fit of this model was G^2=32.097, while the significance was p=0.952. This model was schematically interpreted as Figure 6.1 on page 138.

For the logit test, the above model was re-specified with outcome (v35) placed as the dependent variable. Investigation of different combinations of the above model produced the following interactions as the most parsimonious description of the nature of the dispute variable's influence on outcome.

The Logit Model

v35

v35 by v3

v35 by v32

v35 by v41

v35 by v41 by v32

The goodness-of-fit of this model was G^2=2.397, while the significance was p=0.792. This model was schematically presented as Figure 6.2 on page 139.

Appendix Three:

Log-linear Analysis on The Identity and Characteristics of the Parties Variable

Parameters -v35=outcome

-v17=previous relations of the parties

-v37=homogeneity

-v38=total power

-v39=number of parties

-v40=power disparity

A saturated test was run on these parameters to discover all associations between them. The partial associations with a significance value of $p<0.05$ are as follows:

Association	*Chi*^{2}	*p*
v35*v39*v40	16.614	0.002
v35*v37	9.169	0.010
v37*v39	24.035	0.000
v37*v40	55.444	0.000
v39*v40	10.309	0.006
v35*v17	6.657	0.010
v37*v17	8.318	0.016
v39*v17	7.499	0.006

These significant associations were used as the design for a specified model. A backwards regression was subsequently performed on this model in order that the least significant

effects should be systematically removed until the most parsimonious model of the interactive effects of the identity and characteristics of the parties variable was produced. The result of the backwards regression test was the following model (with the Chi^2 and p values for each part of the model included):

The Model Design	*Chi^2*	*p*
v35*v37	10.943	0.002
v37*v39	22.529	0.000
v37*v40	57.873	0.000
v39*v40	9.098	0.011
v35*v17	5.409	0.020
v37*v17	8.088	0.018
v39*v17	5.213	0.022

The overall goodness-of-fit of this model was $G^2=40.254$, while the significance was p=0.836. This model was schematically interpreted as Figure 6.3 on page 141.

For the logit test, the above model was re-specified with outcome (v35) placed as the dependent variable. Investigation of different combinations of the above model produced the following interactions as the most parsimonious description of the identity and characteristics of the parties variable's influence on outcome.

The Logit Model

v35

v35 by v17

v35 by v37

The goodness-of-fit of this model was $G^2=0.678$, while the significance was $p=0.410$. This model was schematically presented as Figure 6.4 on page 143.

Appendix Four:

Log-linear Analysis on The Identity and Characteristics of the Mediator Variable

Parameters -v35=outcome

-v27=mediator rank

-v29=previous relationship with parties

-v31=mediator experience

-v33=mediation initiation

A saturated test was run on these parameters to discover all associations between them. The partial associations with a significance value of $p<0.05$ are as follows:

Association	*Chi²*	*p*
v29*v33	12.846	0.012
v29*v27	31.261	0.000

These significant associations were used as the design for a specified model. A backwards regression was subsequently performed on this model in order that the least significant effects should be systematically removed until the most parsimonious model of the interactive effects of the identity and characteristics of the mediator variable was produced. The result of the backwards regression test was the following model (with the Chi^2 and p values for each part of the model included):

The Model Design	*Chi*^{2}	*p*
v29*v33	20.369	0.000
v29*v27	40.288	0.000

The overall goodness-of-fit of this model was G^2=39.854, while the significance was p=0.388. This model was schematically interpreted as Figure 6.5 on page 144.

Appendix Five:

Log-linear Analysis on The Mediation Strategy Variable

Parameters -v35=outcome
-v28=strategy
-v34=environment

A saturated test was run on these parameters to discover all associations between them. The partial associations with a significance value of $p<0.05$ are as follows:

Association	*Chi²*	*p*
v35*v34	16.677	0.000
v35*v28	8.335	0.016

These significant associations were used as the design for a specified model. A backwards regression was subsequently performed on this model in order that the least significant effects should be systematically removed until the most parsimonious model of the interactive effects of the mediation strategy variable are produced. The result of the backwards regression test was the following model (with the Chi^2 and p values for each part of the model included):

The Model Design	*Chi²*	*p*
v35*v34	20.938	0.000
v35*v28	12.596	0.002

The overall goodness-of-fit of this model was G^2=10.480, while the significance was p=0.233. This model was schematically interpreted as Figure 6.6 on page 146.

For the logit test, the above model was re-specified with outcome (v35) placed as the dependent variable. Investigation of different combinations of the above model produced the following interactions as the most parsimonious description of the mediation strategy variable's influence on outcome.

The Logit Model

v35

v35 by v34

v35 by v28

The goodness-of-fit of this model was G^2=3.521, while the significance was p=0.475. This model was schematically presented as Figure 6.7 on page 147.

Appendix Six:

Log-linear Analysis on the Model of The Factors which Determine Mediation Outcome

Parameters

-v35=outcome

-v3=fatalities

-v17=previous relations of the parties

-v28=strategy

-v32=timing of intervention

-v34=environment

-v37=homogeneity

-v41=complexity (number of issues)

Because it has already been determined that these parameters have a relationship with outcome through the intra-variable analysis, outcome was made dependent in the model, and different models were analysed for goodness-of-fit and significance. The most parsimonious model is described below.

The Logit Model

v35

v35 by v17

v35 by v34

v35 by v41

v35 by v34 by v41

v35 by v41 by v17

The goodness-of-fit for this model was $G^2=0.255$, while the significance was $p=0.993$. This model, of the central determinants of mediation outcome was schematically represented as Figure 6.9 on page 154.

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